HOUSE OF REPRESENTATIVES—*Friday, August 10, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, gracious God, that we do not walk the roads of life alone, but Your spirit accompanies us and gives us strength. At times of wonder and worry, at moments of frustration or anger, Your still small voice calls us to reflection and peace. Our hearts and souls are comforted by the reality of Your life-giving presence, and the confidence which flows from Your spirit encourages and renews us. May Your blessing of faith and hope and love be with us and all Your people this day and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3787. An act to amend the National Trails System Act, by adding the California Trail to the study list, and for other purposes; and

H.R. 4596. An act to amend section 1601(d) of Public Law 96-607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 East Williams Street, Waterloo, NY.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5604) entitled "An act to authorize certain construction at military installations for fiscal year 1985, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5712) entitled "An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 5, 6, 19, 23, 24, 29, 32, 34, 36, 37, 42, 44, 45, 47, 55, 63, 64, 73, 77, 79, 87, 89, 101, 103, 108, 113, 115, 119, 122, 125, 127, 145, 147, 148, and 149 to the above-entitled bill.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2436. An act to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes; and

S. 2556. An act to authorize appropriations for the American Folklife Center for fiscal years 1985 through 1989.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1841) entitled "An act to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. MATHIAS, Mr. HATCH, Mr. DOLE, Mr. BIDEN, Mr. METZENBAUM, and Mr. LEAHY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9. An act to designate components of the National Wilderness Preservation System in the State of Florida;

H.R. 1437. An act entitled the "California Wilderness Act of 1983";

H.R. 1652. An act to amend the Reclamation Safety of Dams Act of 1978, and for other purposes;

H.R. 4209. An act to amend section 15 of the Small Business Act;

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes; and

H.R. 5618. An act to amend title 38, United State Code, to revise and improve Veterans' Administration health programs, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5297) "An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PACKWOOD, Mr. GOLDWATER, Mrs. KASSEBAUM, Mr. HOLLINGS, and Mr. EXON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4209) "An act to amend section 15 of the Small Business Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WEICKER, Mr. BOSCHWITZ, Mr. GORTON, Mr. BUMPERS, and Mr. DIXON from the Small Business Committee; Mr. GOLDWATER, Mr. QUAYLE, Mr. WILSON, Mr. NUNN, and Mr. LEVIN from the Armed Services Committee to be the conferees on the part of the Senate.

The message also announced that the Senate agrees with an amendment to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 25. Joint resolution redesignating the Saint Croix Island National Monument in the State of Maine as the "Saint Croix Island International Historic Site."

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 598. An act to authorize a land conveyance from the Department of Agriculture to Payson, AZ;

S. 648. An act to facilitate the exchange of certain lands in South Carolina;

S. 806. An act to provide for a plan to reimburse the Okefenokee Rural Electric Membership Corporation for the costs incurred in installing electrical service to the Cumberland Island National Seashore;

S. 1547. An act to amend the conditions of a grant of certain lands to the town of Olathe, CO, and for other purposes;

S. 1790. An act to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia;

S. 1770. An act to extend the lease term of Federal oil and gas lease numbered U-39711;

S. 1859. An act for the transfer of certain interests in lands in Dona Ana County, NM, to New Mexico State University, Las Cruces, NM;

S. 1868. An act to add $2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore;

S. 1889. An act to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R.E. Hampton Visitor Center"; and

S. 2036. An act to require the Secretary of the Interior to convey to the city of

Brigham City, UT, certain land and improvements in Box Elder County, UT;

S. 2125. An act to designate certain national forest system lands in the State of Arkansas for inclusion in the National Wilderness Preservation System and for other purposes;

S. 2155. An act to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes;

S. 2157. An act to clarify the treatment of mineral materials on public lands;

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the AuSable River, Michigan, as a component of the National Wild and Scenic Rivers System; and

S. Con. Res. 136. Concurrent resolution to correct technical errors in the enrollment of the bill S. 1546.

REQUEST TO MAKE IN ORDER CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON H.R. 6040, SECOND SUPPLEMENTAL APPROPRIATION ACT, 1984, SUBJECT TO AVAILABILITY.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order, the provisions of section 303(a) of Public Law 93-344 and clause 2 of rule XXVIII to the contrary notwithstanding, to consider the conference report and amendments in disagreement on the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, subject to the availability of said conference report and amendments in disagreement for at least 1 hour, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MILLER of California. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

THE RECLAMATION SAFETY OF DAMS ACT AMENDMENTS OF 1984

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out "That" and insert "That this Act may be cited as "The Reclamation Safety of Dams Act Amendments of 1984" and that".

Page 1, strike out all after line 4 over to and including line 7 on page 2 and insert:

(1) In subsection 4(b), strike "Costs" and insert the following in lieu thereof: "With respect to the $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, costs".

(2) After section 4(b), add the following new subsections:

"(c) With respect to the additional $650,000,000 authorized to be appropriated in The Reclamation Safety of Dams Act Amendments of 1984, costs incurred in the modification of structures under this Act, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes, shall be reimbursed to the extent provided in this subsection.

"(1) Fifteen percent of such costs shall be allocated to the authorized purposes of the structure, except that in the case of Jackson Lake Dam, Minidoka Project, Idaho-Wyoming, such costs shall be allocated in accordance with the allocation of operation and maintenance charges.

"(2) Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within 50 years of the year in which the work undertaken pursuant to this Act is substantially complete. Costs allocated to irrigation water service which are beyond the water users' ability to pay shall be reimbursed in accordance with existing law.

"(3) Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"(4) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable under the Federal Water Project Recreation Act, shall be repaid within 50 years with interest. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period during the month preceding the fiscal year in which the costs are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

"(d) The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs under this Act: *Provided, however,* That no contract entered into pursuant to this Act shall be deemed to be a new or amended contract for the purposes of section 203(a) of Public Law 97-293.".

Page 2, line 8, strike out "(2)" and insert "(3)".

Page 2, line 19, strike out "(3)" and insert "(4)".

Page 3, line 6, after "Texas," insert "and Foss Dam, Oklahoma,".

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I may not object, but I would like to enter into a brief colloquy concerning the Senate amendments that the gentleman from Arizona is speaking about.

Mr. UDALL. If the gentleman would yield, I would be glad to answer any questions he might have.

Mr. SOLOMON. Mr. Speaker, I will not object to the passage of this bill because of my respect for you and your sincere concerns over the structural safety of reclamation dams. The repair of these dams is rightfully a high priority and I am in complete agreement with my colleagues on the committee that we should move forward with this bill. I reserved the right to object because of my concern over who should pay for the safety modifications on these projects. I am pleased that the U.S. Senate saw fit to include a reimbursable provision and to link that provision to repayment at current market rates. These two provisions are important precedents in reclamation law and I will work to expand these actions in the future. These precedents go a long way to eliminating undue favoritism for the beneficiaries of the reclamation program, at the expense of the American taxpayer. As I have stated many times before, dam safety is a recognized cost of doing business for water and power users around the country and there is absolutely no reason why we should exclude the users of reclamation dams.

The Senate compromise, which I strongly endorse, will require that a certain percentage of the costs for dam safety be allocated among the various recipients of water and hydroelectric power supplied by these dams and repaid in a manner requiring market rate payments. This will mean a tremendous savings to the American taxpayer. The Senate amendment establishes a formula that closely reflects the cost to the Treasury of funding water project construction on a reimbursable basis over the long term. This formula reflects the actual cost to the Treasury of borrowing to finance dam safety expenditures.

I am very aware of the hard work of my colleagues, including Mr. UDALL, Mr. CHENEY, Mr. RUDD, and Mr. MCCAIN to see that work is promptly initiated on important dam safety repairs. I have never intended to delay this important work and my amendment would not have had this effect. In respect to the chairman and my other friends on the Interior Committee I will not object to the bill.

However, I promise to continue my work in this area in order to ease the burden on the Federal Treasury and to further improve the management of America's natural resources.

Mr. UDALL. If the gentleman will yield, a settlement was made in the Senate, and the Senator from Ohio, Mr. METZENBAUM, and the distinguished chairman of the Interior Committee, Mr. MCCLURE, and myself, Sen-

ator GOLDWATER and others, worked out a compromise that has the idea the gentleman had, not the precise figures, but has the concept of cost sharing in it.

I must say that the gentleman, who is a responsible and effective Member of the House, has had something to do with this. This contains a partial victory in the gentleman's continuing fight to get cost sharing into these water projects. The Metzenbaum amendment is in the Senate amendment, as the Senator from Ohio agreed to.

We all had to give a good deal on this to get this compromise and I hope the gentleman will let us conclude this action today.

Mr. Speaker, on March 20, the House passed H.R. 1652, a bill to authorize repairs and safety modifications at dams owned and operated by the Bureau of Reclamation. The legislation authorizes funds to make corrections at more than 50 Federal dams, to enable those structures to withstand predicted earthquakes and to pass storm flows safely.

When the legislation was debated in the House, most of the discussion centered on the question of who should pay the costs of the repairs? The committee position held that the U.S. Government should pay the costs, since most of the required repairs are due to faulty design. Others in the House argued that project beneficiaries should be responsible for repaying all the costs of repairs—this was the 100-percent reimbursable approach.

By a narrow margin, the House adopted the amendment proposed by the gentleman from Texas, the subcommittee chairman. That amendment said that costs of repairs should be borne by the United States, but costs attributable to additional benefits, such as increased storage, that result from the repair work, should be paid for by the project beneficiaries.

The Senate amendment before us today eliminates the House additional benefits test and substitutes a requirement that project beneficiaries pay 15 percent of the costs of the dam repairs.

I continue to believe that primary responsibility for repairing these unsafe dams rests with the Federal Government. The United States designed the dams and the United States built them. If those structures are deemed to be inadequate to withstand predictable seismic events, or recognized storm flows, then the United States should bear the costs of making them safe.

I believe that it is very different to talk about cost sharing at existing dams, rather than new dams. The project beneficiaries already paid for the dam once. They thought they were buying a safe, stable structure, and they agreed to terms that repaid those initial capital costs. It seems unfair to come back 20 or so years later and say, "We made a mistake * * * the storm flows will be larger than we thought, you need to pay us another $10 or $15 or $20 million to make your dam safe."

In spite of my strong feelings on this issue, I can appreciate the compromise reached by the Senate. I know that this agreement is the result of many hours of hard work by Members from different regions of the country. And I recognize that there is a genuine difference of opinion on the issue. So I will accept the changes made by the Senate, and I urge my colleagues that have dams in their States and districts to do the same.

The Senate amendment strikes a balance between the House passed bill and the 100-percent reimbursable costs position advocated by some in the House and the Senate. Neither side gets all of what it wanted, and that is the nature of the compromise. Mr. Speaker, I urge the adoption of H.R. 1652 as amended by the Senate.

Mr. SOLOMON. I thank the gentleman.

Mr. CHENEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding.

Mr. Speaker, let me simply endorse the views expressed by the gentleman from Arizona [Mr. UDALL], the chairman of the committee. This is an important piece of legislation.

I did not totally agree, obviously, with the amendment of the gentleman from New York when it came through, but he has made a major contribution to the bill. The bill has been altered in significant respects to reflect his principles.

Mr. Speaker, I support passage of the dam safety legislation as amended by the Senate. I was an original cosponsor of dam safety legislation in the House. The bill I supported stood for the fundamental principle that the Federal Government should bear the cost of repairing the unsafe Federal dams.

When the bill was before the House, Water and Power Subcommittee, I supported an amendment to increase the authorization ceiling by an additional $100 million, in order to make certain that the Bureau of Reclamation had sufficient funds to repair Jackson Lake Dam, in my home State of Wyoming, if it should decide that repairs to the dam were the best way to proceed. This provision is in the compromise version of the legislation before us today.

When the bill was before the full House, the administration and I supported a compromise amendment to the legislation which would have required local reimbursement only of certain possible new benefits from dam safety repairs. I felt that this was a fair approach.

In the compromise version of the legislation sent to us by the Senate, the bill provides instead that local interests would be required to pay some 15 percent of dam safety repair costs in instances where such costs are reimbursable. This approach should still require the Federal Government to bear almost all repair costs for major facilities in Wyoming, according to the Bureau of Reclamation.

In view of the very substantial congressional support for requiring 100 percent local reimbursement of dam safety costs, I believe I can support the Senate compromise despite my preference for the House approach.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman not to object to this. This is something that is badly needed throughout the country. We have some problems, as the gentleman knows, with safety of dams. As long as it has the cost-sharing provisons, and I agree with the gentleman that there ought to be some cost-sharing provisions, I would hope that he would not press his objection.

Mr. SOLOMON. Let me just say, Mr. Speaker, that certainly I do not think any of us want to stand in the way of the dam safety act bill that is before us. We know that there could be serious problems with these dams, and certainly I come from an area in the Adirondack Mountains in New York State where we have similar problems that the gentleman has.

But I do think that we have got to get back to this policy of pay-as-you-go. I think that this is at least a step in the right direction. I appreciate the gentleman's concern from these affected areas, and because of that I will not object and I withdraw my reservation.

● Mr. McNULTY. Mr. Speaker, I am pleased to rise in support of this much needed and sensible legislation, the Reclamation Safety of Dams Act.

This legislation raises the authorization for appropriations in the original act by an additional $650 million. The bill would also provide the Secretary authority to perform safety modification work on seven dams in the Pacific Northwest region. These dams were incorporated into reclamation projects by acts of Congress, however, title was never secured by the Federal Government.

One of the dams covered by this bill has sluice gates that are not operable. One of the dams covered by this bill has got a powerhouse so dangerous that the Bureau of Reclamation told its employees to stay away from it. One of the dams in this bill has got metal overflow tubes that have been rusted away. And one of the newest dams owned by the United States and the Colorado River has a concrete spillway with a right angle turn in it, and at the elbow of that turn the action of the water and tiny bubbles popping in that area have eroded away altogether the cement.

Now, all of these things are not a matter of finding fault or attributing blame. The job of the Congress is to address those problems and to address them sensibly. Here, we are addressing the repair of old dams. We have fought in the past over cost sharing, but here we are providing for cost sharing. This bill provides for the repair of old dams, some of which go back 50 and 60 and 70 years ago. What we have said here is that where the Federal design failure has caused the dam to be unsafe, repairs will be the responsibility of the Federal Government, just like the repair of a defective product is not the responsibility of the local shopowner, it is the responsibility of the manufacturer. In addition, where the repair work involves new and additional economic benefits, those benefits will be paid for by the users.

The sums authorized here will repair approximately 50 dams. This bill will bring all the Burec dams up to the Burec standards for structural safety. This sum is modest when you consider the preventative maintenance it will provide. By comparison, look at the costs of one single dam failure. Look at the Teton Dam. As a result of that failure, 11 lives were lost and claims against the United States totaled more than $350 million. And Teton was a relatively rural area.

In closing, this legislation is absolutely critical, not just to the West that is entirely dependent upon it, but to the entire economy of this country that has reaped benefits decade after decade as a result of wise development of water resources in the arid West that has ultimately resulted in the growth of this Nation's economy. It is a critical and important piece of legislation and I urge my colleagues to support it.●

● Mr. McCAIN. Mr. Speaker, I want to say just a few words in strong support of H.R. 1652, the Reclamation Safety of Dams Act.

While the bill now pending final congressional approval does impose a 15-percent cost-sharing requirement, it is entirely in keeping with the administration's, as well as Congress', case-by-case, project-by-project philosophy. The moneys contained in this legislation will provide the necessary funding to make structural repairs to some 50 federally built dams.

Mr. Speaker, this legislation is an investment in our country's future. It will prevent another catastrophe like the Teton Dam collapse in 1976, and more importantly, it illustrates that the Congress of the United States can act in a responsible and responsive manner before a national tragedy occurs.

Finally, Mr. Speaker, I want to comment on the many long hours of negotiation and compromise that has brought us to where we are today. Chairman UDALL, Congressman CHENEY, Congressman KAZEN, and numerous staff members deserve a great deal of credit for their dedication and perseverance in seeing the enactment by this Congress of the Reclamation Safety of Dams Act.●

● Mrs. VUCANOVICH. Mr. Speaker, I rise in strong support of the safety of dams bill. H.R. 1652, the Reclamation Safety of Dams Act amendments, passed the House on March 20. The other body approved the bill yesterday with some modifications to the cost-sharing provisions. Given the importance of this bill, I believe we should move quickly in passing this legislation.

The cost-sharing provisions added by the other body are a fair compromise. We now have a situation where project beneficiaries will pay for 15 percent of the repair costs—and, I note, this provision will apply even where the Federal Government is responsible for the repairs. The bill already provided for cost sharing when additional benefits are created such as increased flood control or water supply.

In my district alone, there are three dams that have been determined to be unsafe and will be repaired under the Safety of Dams Program. We should all be aware that to delay is to take the chance that we will have a dam failure, similar to the Teton Dam failure in Idaho—for which the Federal Government was liable. The cost of delay is significantly more than the funds authorized by this bill—the failure to Teton Dam alone cost the Federal Government, and thus the American taxpayers, more than half the cost of this entire bill.

I therefore urge my colleagues to join me in concurring with the Senate amendments to H.R. 1652 so we can get on with this much-needed program.●

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

Mr. UDALL. Mr. Speaker, I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments to the bill, H.R. 1652.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ARIZONA WILDERNESS ACT OF 1984

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4707) to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Arizona Wilderness Act of 1984".

TITLE I

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Arizona are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) certain lands in the Prescott National Forest, which comprise approximately five thousand four hundred and twenty acres, as generally depicted on a map entitled "Apache Creek Wilderness—Proposed", dated February 1984, and which shall be known as the Apache Creek Wilderness;

(2) certain lands in the Prescott National Forest, which comprise approximately fourteen thousand nine hundred and fifty acres, as generally depicted on a map entitled "Cedar Bench Wilderness—Proposed", dated August 1984, and which shall be known as the Cedar Bench Wilderness;

(3) certain lands in the Apache-Sitgreaves National Forest, which comprise approximately eleven thousand and eighty acres, as generally depicted on a map entitled "Bear Wallow Wilderness—Proposed", dated March 1984, and which shall be known as the Bear Wallow Wilderness;

(4) certain lands in the Prescott National Forest, which comprise approximately twenty-six thousand and thirty acres, as generally depicted on a map entitled "Castle Creek Wilderness—Proposed", dated August 1984, and which shall be known as the Castle Creek Wilderness;

(5) certain lands in the Coronado National Forest, which comprise approximately sixty-nine thousand seven hundred acres, as generally depicted on a map entitled "Chiricahua Wilderness—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed part of the Chiricahua Wilderness, as designated Public Law 88-577;

(6) certain lands in the Coconino National Forest, which comprise approximately eleven thousand five hundred and fifty acres, as generally depicted on a map entitled "Fossil Springs Wilderness—Proposed",

dated April 1984, and which shall be known as the Fossil Springs Wilderness;

(7) certain lands in the Tonto National Forest, which comprise approximately fifty-three thousand five hundred acres, as generally depicted on a map entitled "Four Peaks Wilderness—Proposed", dated April 1984, and which shall be known as the Four Peaks Wilderness;

(8) certain lands in the Coronado National Forest, which comprise approximately twenty-three thousand six hundred acres, as generally depicted on a map entitled "Galiuro Wilderness Additions—Proposed", dated April 1984, and which are hereby incorporated in and shall be deemed a part of the Galiuro Wilderness as designated by Public Law 88-577;

(9) certain lands in the Prescott National Forest, which comprise approximately nine thousand eight hundred acres, as generally depicted on a map entitled "Granite Mountain Wilderness—Proposed", dated April 1984, and which shall be known as Granite Mountain Wilderness;

(10) certain lands in the Tonto National Forest, which comprise approximately thirty-six thousand seven hundred and eighty acres, as generally depicted on a map entitled "Hellsgate Wilderness—Proposed", dated August 1984, and which shall be known as the Hellsgate Wilderness;

(11) certain lands in the Prescott National Forest which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Juniper Mesa Wilderness—Proposed", dated February 1984, and which shall be known as the Juniper Mesa Wilderness;

(12) certain lands in the Kaibab and Coconino National Forests, which comprise approximately six thousand five hundred and ten acres, as generally depicted on a map entitled "Kendrick Mountain Wilderness—Proposed", dated February 1984, and which shall be known as Kendrick Mountain Wilderness;

(13) certain lands in the Tonto National Forest, which comprise approximately forty-six thousand six hundred and seventy acres, as generally depicted on a map entitled "Mazatzal Wilderness Additions—Proposed", dated August 1984, and which are hereby incorporated and shall be deemed a part of the Mazatzal Wilderness as designated by Public Law 88-577: *Provided*, That within the lands added to the Mazatzal Wilderness by this Act, the provisions of the Wilderness Act shall not be construed to prevent the installation and maintenance of hydrologic, meteorologic, or telecommunications facilities, or any combination of the foregoing, or limited motorized access to such facilities when nonmotorized access means are not reasonably available or when time is of the essence, subject to such conditions as the Secretary deems desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes;

(14) certain lands in the Coronado National Forest, which comprise approximately twenty thousand one hundred and ninety acres, as generally depicted on a map entitled "Miller Peak Wilderness—Proposed", dated February 1984, and which shall be known as the Miller Peak Wilderness;

(15) certain lands in the Coronado National Forest, which comprise approximately twenty-five thousand two hundred and sixty acres, as generally depicted on a map entitled "Mt. Wrightson Wilderness—Proposed", dated February 1984, and which shall be known as the Mt. Wrightson Wilderness;

(16) certain lands in the Coconino National Forest, which comprise approximately eighteen thousand one hundred and fifty acres, as generally depicted on a map entitled "Munds Mountain Wilderness—Proposed", dated August 1984, and which shall be known as the Munds Mountain Wilderness;

(17) certain lands in the Coronado National Forest, which comprise approximately seven thousand four hundred and twenty acres, as generally depicted on a map entitled "Pajarita Wilderness—Proposed", dated March 1984, and which shall be known as the Pajarita Wilderness;

(18) certain lands in the Coconino National Forest, which comprise approximately forty-three thousand nine hundred and fifty acres, as generally depicted on a map entitled "Red Rock-Secret Mountain Wilderness—Proposed", dated April 1984, and which shall be known as the Red Rock-Secret Mountain Wilderness;

(19) certain lands in the Coronado National Forest, which comprise approximately thirty-eight thousand five hundred and ninety acres, as generally depicted on a map entitled "Rincon Mountain Wilderness—Proposed", dated February 1984, and which shall be known as the Rincon Mountain Wilderness;

(20) certain lands in the Tonto National Forest, which comprise approximately eighteen thousand nine hundred and fifty acres, as generally depicted on a map entitled "Salome Wilderness—Proposed", dated August 1984, and which shall be known as the Salome Wilderness;

(21) certain lands in the Tonto National Forest, which comprise approximately thirty-two thousand eight hundred acres, as generally depicted on a map entitled "Salt River Canyon Wilderness—Proposed", dated April 1984, and which shall be known as the Salt River Canyon Wilderness;

(22) certain lands in the Coconino National Forest, which comprise approximately eighteen thousand two hundred acres, as generally depicted on a map entitled "Kachina Peaks Wilderness—Proposed", dated August 1984, and which shall be known as the Kachina Peaks Wilderness;

(23) certain lands in the Coronado National Forest, which comprise approximately twenty-six thousand seven hundred and eighty acres, as generally depicted on a map entitled "Santa Teresa Wilderness—Proposed", dated February 1984, and which shall be known as the Santa Teresa Wilderness; the governmental agency having jurisdictional authority may authorize limited access to the area, for private and administrative purposes, from U.S. Route 70 along Black Rock Wash to the vicinity of Black Rock;

(24) certain lands in the Tonto National Forest, which comprise approximately thirty-five thousand six hundred and forty acres, as generally depicted on a map entitled "Superstition Wilderness Additions—Proposed", dated August 1984, and which are hereby incorporated in and shall be deemed to be a part of the Superstition Wilderness as designated by Public Law 88-577;

(25) certain lands in the Coconino National Forest and Prescott National Forest, which comprise approximately eight thousand one hundred and eighty acres, as generally depicted on a map entitled "Sycamore Canyon Wilderness Additions—Proposed", dated April 1984, and which are hereby incorporated in and shall be deemed a part of the Sycamore Canyon Wilderness as designated by Public Law 92-241;

(26) certain lands in the Coconino National Forest, which comprise approximately thirteen thousand six hundred acres, as generally depicted on a map entitled "West Clear Creek Wilderness—Proposed", dated April 1984, and which shall be known as the West Clear Creek Wilderness;

(27) certain lands in the Coconino National Forest, which comprise approximately six thousand seven hundred acres, as generally depicted on a map entitled "Wet Beaver Wilderness—Proposed", dated February 1984, and which shall be known as the Wet Beaver Wilderness;

(29) certain lands in the Prescott National Forest, which comprise approximately five thousand six hundred acres, as generally depicted on a map entitled "Woodchute Wilderness—Proposed", dated August 1984, and which shall be known as the Woodchute Wilderness.

(29) certain lands in the Coconino National Forest, which compromise approximately ten thousand one hundred and forty acres, as generally depicted on a map entitled "Strawberry Crater Wilderness—Proposed", dated April 1984, and which shall be known as Strawberry Crater Wilderness;

(30) certain lands in the Apache-Sitgreaves National Forest, which comprise approximately five thousand two hundred acres, as generally depicted on a map entitled "Escudilla—Proposed Wilderness", dated April 1984, and which shall be known as Escudilla Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(d) The Congress does not intend that designation of wilderness areas in the State of Arizona lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e)(1) As provided in paragraph (6) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Arizona State water laws.

(2) As provided in paragraph (7) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall be construed as affecting the jurisdiction or re-

sponsibilities of the State of Arizona with respect to wildlife and fish in the national forests located in the State.

(f)(1) Grazing of livestock in wilderness areas established by this title, where established prior to the date of the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

(2) The Secretary is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in Arizona in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(3) Not later than one year after the date of the enactment of this Act, and at least every five years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report detailing the progress made by the Forest Service in carrying out the provisions of paragraphs (1) and (2) of this section.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall review the following as to their suitability or nonsuitability for preservation as wilderness and shall submit his recommendations to the President:

(1) certain lands in the Coronado National Forest, which comprise approximately eight hundred fifty acres, as generally depicted on a map entitled "Bunk Robinson Wilderness Study Area Additions—Proposed", dated February 1984, and which are hereby incorporated in the Bunk Robinson Wilderness Study Area as designated by Public Law 96-550;

(2) certain lands in the Coronado National Forest, which comprise approximately five thousand and eighty acres, as generally depicted on a map entitled "Whitemire Canyon Study Area Additions—Proposed", dated February 1984, and which are hereby incorporated in the Whitmire Canyon Wilderness Study Area as designated by Public Law 96-550; and

(2) certain lands in the Coronado National Forest, which comprise approximately sixty-two thousand acres, as generally depicted on a map entitled "Mount Graham Wilderness Study Area", dated August, 1984, and which shall be known as the Mount Graham Wilderness Study Area.

With respect to the areas named in paragraphs (1) and (2); the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than January 1, 1986.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

SEC. 103. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) The Congress has made its own review and examination of national forest system roadless areas in Arizona and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Arizona, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Arizona;

(2) with respect to the national forest system lands in the State of Arizona which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands designated for wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Arizona reviewed in such final environmental statement or referred to in subsection (d) and not designated wilderness or wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans purusant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Arizona are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Argiculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Arizona for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to national forest system roadless lands in the State of Arizona which are less than five thosand acres in size.

SEC. 104. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by inserting the following after paragraph (50):

"(51) VERDE, ARIZONA.—The segment from the boundary between national forest and private land in sections 26 and 27, township 13 north, range 5 east, Gila Salt River meridian, downstream to the confluence with Red Creek, as generally depicted on a map entitled 'Verde River—Wild and Scenic River', dated March 1984, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture. This designation shall not prevent water users receiving Central Arizona Project water allocations from diverting that water through an exchange agreement with downstream water users in accordance with Arizona water law. After consultation with State and local governments and the interested public and within two years after the date of enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section.".

SEC. 105. There are added to the Chiricahua National Monument, in the State of Arizona, established by Proclamation Numbered 1692 of April 18, 1924 (43 Stat. 1946) certain lands in the Coronado National Forest which comprise approximately eight hundred and fifty acres as generally depicted on the map entitled "Bonita Creek Watershed", dated May 1984, retained by the United State Park Service, Washington, D.C. The area added by this paragraph shall be administered by the National Park Service as wilderness.

TITLE II

SEC. 201. The Congress finds that—

(1) the Aravaipa Canyon, situated in the Galiuro Mountains in the Sonoran desert region of southern Arizona, is a primitive place of great natural beauty that, due to the rare presence of a perennial stream, supports an extraordinary abundance and diversity of native plant, fish, and wildlife, making it a resource of national significance; and

(2) the Aravaipa Canyon should, together with certain adjoining public lands, be incorporated within the national wilderness preservation system in order to provide for the preservation and protection of this relatively undisturbed but fragile complex of desert, riparian and aquatic ecosystems, and the native plant, fish, and wildlife communities dependent on it, as well as to protect and preserve the area's great scenic, geologic, and historical values, to a greater degree than would be possible in the absence of wilderness designation.

SEC. 202. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) and consistent with the policies and provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1701 et seq.), certain public lands in Graham and Pinal Counties, Arizona, which comprise approximately six thousand six hundred and seventy acres, as generally depicted on a map entitled "Aravaipa Canyon Wilderness—Proposed" and dated May 1980, are hereby designated as the Aravaipa Canyon Wilderness and, therefore, as a component of the national wilderness preservation system.

SEC. 203. Subject to valid existing rights, the Aravaipa Canyon Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness. For purposes of this title, any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture with regard to administration of such areas shall be deemed to be a reference to the Secretary of the Interior, and any reference to wilderness areas designated by the Wilderness Act or designated national forest wilderness areas shall be deemed to be a reference to the Aravaipa Canyon Wilderness. For purposes of this title, the reference to national forest rules and regulations in the second sentence of section 4(d)(3) of the Wilderness Act shall be deemed to be a reference to rules and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1702).

SEC. 204. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Aravaipa Canyon Wilderness with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in the legal description and map may be made. The map and legal description shall be on file and available for public inspection in the offices of the Bureau of Land Management, Department of the Interior.

SEC. 205. Except as further provided in this section, the Aravaipa Primitive Area designations of January 16, 1969, and April 28, 1971, are hereby revoked.

TITLE III

SEC. 301. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System.

(1) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately six thousand five hundred acres, as generally depicted on a map entitled "Cottonwood Point Wilderness—Proposed", dated May 1983, and which shall be known as the Cottonwood Point Wilderness;

(2) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on a map entitled "Grand Wash Cliffs Wilderness—Proposed", dated May 1983, and which shall be known as the Grand Wash Cliffs Wilderness;

(3) certain lands in the Kaibab National Forest and in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately seventy-seven thousand one hundred acres, as generally depicted on a map entitled "Kanab Creek Wilderness—Proposed", dated May 1983, and which shall be known as the Kanab Creek Wilderness;

(4) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately fourteen thousand six hundred acres, as generally depicted on a map entitled "Mt. Logan Wilderness—Proposed", dated May 1983, and which shall be known as the Mount Logal Wilderness;

(5) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately seven thousand nine hundred acres, as generally depicted on a map entitled "Mt. Trumbull Wilderness—Proposed", dated May 1983, and which shall be known as the Mount Trumbull Wilderness;

(6) certain lands in the Arizona Strip District of the Bureau of Land Management, Arizona, which comprise approximately eighty-four thousand seven hundred acres, as generally depicted on a map entitled "Paiute Wilderness—Proposed", dated May 1983, and which shall be known as the Paiute Wilderness;

(7) certain lands in the Arizona Strip District, Arizona, and in the Cedar City District, Utah, of the Bureau of Land Management, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "Paria Canyon-Vermilion Cliffs Wilderness—Proposed", dated May 1983, and which shall be known as the Paria Canyon-Vermilion Cliffs Wilderness;

(8) certain lands in the Kaibab National Forest, Arizona, which comprise approximately forty thousand six hundred acres, as generally depicted on a map entitled "Saddle Mountain Wilderness—Proposed", dated May 1983, and which shall be known as the Saddle Mountain Wilderness; and

(9) certain lands in the Arizona Strip District, Arizona, and in the Cedar City District, Utah, of the Bureau of Land Management which comprise approximately nineteen thousand six hundred acres, as generally depicted on a map entitled "Beaver Dam Mountains Wilderness—Proposed", dated May 1983, and which shall be known as the Beaver Dam Mountains Wilderness;

(b) The previous classifications of the Paiute Primitive Area and the Paria Canyon Primitive Area are hereby abolished.

SEC. 302. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act: *Provided:*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administered jurisdiction over the area.

(b) Within the wilderness areas designated by this title, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary concerned deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent in expressed in the Wilderness Act.

SEC. 303. As soon as practicable after enactment of this Act, a map and a legal description on each wilderness area designated by this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided:* That correction of clerical and typographical errors in each such legal description and map may be made by the Secretary concerned subsequently to such filings. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture or in the Office of the Director of the Bureau of Land Management, Department of the Interior, as is appropriate.

SEC. 304. The Congress hereby finds and directs that lands in the Arizona Strip District of the Bureau of Land Management, Arizona, and those portions of the Starvation Point Wilderness Study Area (UT-040-057) and Paria Canyon Instant Study Area and contiguous Utah units in the Cedar City District of the Bureau of Land Management, Utah, not designated as wilderness by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579), and are no longer subject to the requirement of Section 603(c) of the Federal Land Policy and Management Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

TITLE IV

SEC. 401. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Arizona?

Mr. LUJAN. Reserving the right to object, Mr. Speaker, I take this opportunity simply to ask the gentleman to give us a little background as to what is in this legislation, if he would, please.

□ 1010

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, it gives me great pleasure today to ask the House to give final approval to H.R. 4707, the Arizona Wilderness Act. This omnibus legislation has just been considered by the Senate, and I urge my colleagues to accept the Senate amendment without change.

If we pass this bill today and the President then signs it, Arizona will have proudly contributed more than 1 million additional acres to the national wilderness preservation system and the great bulk of the controversy over which forest lands in our State should be managed as wilderness will be terminated.

Mr. Speaker, the House approved H.R. 4707 by an overwhelming margin in April. Since that time, I have worked closely with Senator BARRY

GOLDWATER to refine and modify the House proposal to further accommodate the concerns of ranchers, miners, conservationists and others. I want to express my deepest appreciation and respect for the truly superb job Senator GOLDWATER and his staff have done on this legislation. If there is a better example of a wilderness bill which is the product of bipartisan cooperation, and which has been built from the bottom up by those citizens most directly affected by its provisions, then I don't know what that bill is. I also want to thank Senator DECONCINI and his staff for their excellent cooperation and steadfast support in seeing to it that this job gets done. And finally, I want to thank my Arizona colleagues on this side of the Capitol, especially Representatives JIM MCNULTY and JOHN MCCAIN for their tireless and invaluable efforts.

Mr. Speaker, in most important respects the amended bill closely tracks the bill passed by the House. Title I designates as wilderness 658,580 acres of national forest lands south of the Grand Canyon. One area—the proposed Sheridan Mountain Wilderness—has been dropped from the House bill. Two areas—Strawberry Crater and Escudilla Mountain—have been added. For the following areas the bill inserts final acreage calculations prepared by the Forest Service, but does not change the actual boundaries originally approved by the House—Bear Wallow, Chiricahua Additions, Kendrick Mountain, Miller Peak, Mount Wrightson, Pajarita, Rincon Mountain, Santa Teresa and the Bunk Robinson Wilderness Study Area. This is also the case with the Saddle Mountain Wilderness designated in title III. The Red Rock-Secret Mountain boundaries are those passed by the Senate and are only slightly different from the House boundaries, although the acreage calculation has been substantially reduced. The name of the Arnold Mesa Wilderness has been changed to the Cedar Bench Wilderness and the San Francisco Peaks Wilderness has been changed to Kachina Peaks to reflect the deep Hopi religious significance of the area. Although the acreage calculation has not changed, the map has been slightly altered to permit a narrow, underground utility corridor for possible observatory development on top of the mountain. Also, the Senate has amended language regarding access across a road near the Santa Teresa Wilderness. Representative NCNULTY will address this subject, and I fully concur in his remarks.

Title I retains all the important management directives contained in the original House bill. Most importantly, the Senate has agreed to the House provisions dealing with the grazing rights of ranchers with allotments in wilderness.

The language releasing Forest Service lands not designated as wilderness is the formula that Representative JOHN SEIBERLING, Senator JAMES MCCLURE and I were able to work out this spring and which ended a lengthy controversy that had held up enactment of the RARE II bills for many years. This language has now become the standard formula for all statewide Forest Service wilderness bills. I would note here that in Arizona, the release language applies equally to Forest Service lands not designated as wilderness north of the Grand Canyon on the so-called Arizona Strip, as well as to such lands elsewhere in the state. It does not, of course, apply to the Blue Range Primitive Area, which retains its present status.

Title I also retains without change the designation of a 39.5-mile segment of the Verde River as a component of the Wild and Scenic Rivers System. I am especially proud of this provision, not only because it is the first addition to the system in more than 4 years, but also because it is the very first time that a desert river has been so favored.

Finally, title I adds a small 850-acre parcel called the Bonita Creek area to the existing Chiricahua National Monument, which is managed by the National Park Service. This will integrate an important and sensitive watershed into protective status, and I wish to thank Senator DECONCINI for bringing this issue to our attention.

Title III designates as wilderness 6,670 acres of the beautiful Aravaipa Canyon, which is managed by the Bureau of Land Management. This title remains unchanged from the House bill. Title III designates as wilderness about 396,000 acres of BLM and Forest Service land on the Arizona Strip. This model of cooperation between conservationists, business and industry groups remains identical to the House provisions, except the previous references to release of Forest Service lands on the strip have been deleted so as not to conflict with the release language provisions covering all undesignated forest lands throughout Arizona, including those on the strip.

Mr. Speaker, this is a day that many people thought would be a long time coming in Arizona, indeed a day that some said would never come. But Arizonans throughout the State, of widely differing political views and economic interests, rallied to work out their differences to produce a bill that is in everybody's interests. I am very proud to support their efforts here today.

Mr. LUJAN. Mr. Speaker, I thank the gentleman for that explanation.

I understand the entire Arizona delegation on both sides of the Capitol have in essence agreed to this legislation?

Mr. UDALL. Not in every respect. There are some differences, but Senator GOLDWATER and the Senate delegation, the Governor, the gentleman from Arizona [Mr. MCCAIN], and I are all in agreement on all provisions.

● Mr. MCNULTY. Mr. Speaker, with regards to the provision for access across Black Rock Wash road to the Santa Theresa Wilderness Area, I offer the following historical information which resulted in inclusion of the provision. It is the intention of this provision that the Forest Service retains all jurisdiction over the Santa Theresa Wilderness and that the access provision applies only to the right of way across Black Rock Wash road.

The Black Rock Wash road provides the most reasonable vehicular access to the vicinity of the proposed wilderness. In addition, the road is vital to several ranching families in the area. The road traverses lands known as the San Carlos Mineral Strip which are held in trust by the United States for the benefit of the San Carlos Apache Tribe as described by the Executive orders of November 9, 1871 and December 14, 1872, the act of June 10, 1896 (29 Stat. 321,360), orders of the Secretary of the Interior dated June 17, 1963 and January 16, 1969, and judgment of the U.S. District Court for the District of Arizona, dates April 11, 1978, in *State of Arizona* v. *Rogers C. B. Morton, the United States of America and the San Carlos Tribe of Indians,* No. Civ. 74-696,m PHX-WPC.

No right of way pursuant to Federal law has been acquired. Although the lands were once opened to entry pursuant to the mineral entry laws of the United States, no rights of way were acquired during that period. All of these lands were closed to entry by Secretarial Order of March 30, 1931 and September 9, 1934.

The State of Arizona, the United States and local ranchers have been permitted access across this land by the tribe. In 1978, the tribe offered to formalize that access by the issuance of permits to the State, to the ranchers, their agents and representatives, and to the United States. The permits proposed by the tribe for the States and the United States were to be for governmental administrative purposes and not for general public access.

It is recommended that the parties formalize this access by issuance and acceptance of tribal access permits.

It is also recommended that a joint permit system be established between the San Carlos Apache Tribe and other Federal departments to govern public access to the area. The area is remote and difficult to protect from vandalism. It is believed that this method of limited access to be in the best interest of protecting the wilderness area, the governments and per-

sons having real property interests in the area.●

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

The SPEAKER. Is these objection to the request of the gentleman from Arizona?

There was no objection.

ESTABLISHING A STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTE PROGRAM

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4214) to establish a State Mining and Mineral Resources Research Institute Program, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SECTION 1. (a)(1) There are authorized to be appropriated to the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") funds adequate to provide for each participating State $300,000 for the fiscal year ending September 30, 1985, and $400,000 to each participating State for each fiscal year thereafter for a total of five years, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute or center (hereafter in this Act referred to as the "institute") at one public college or university in the State which meets the eligibility criteria established in section 10.

(2)(A) Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, and no less than two non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1989.

(B) If there is more than one such eligible college or university in a State, funds appropriated under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be granted to one such college or university designated by the Governor of the State.

(C) Where a State does not have a public college or university eligible under section 10, the Committee on Mining and Mineral Resources Research establishment in section 9 (hereafter in this Act referred to as the "Committee") may allocate the State's allotment to one private college or university which it determines to be eligible under such section.

(b) It shall be the duty of each institute to plan and conduct, or arrange for a component or components of the college or university with which it is affiliated to conduct, research, investigations, demonstrations, and experiments of either, or both, a basic or practical nature in relation to mining and mineral resources, and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. The subject of such research, investigation, demonstration, experiment, and training may include exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation. Such research, investigation, demonstration, experiment and training shall consider the interrelationship with the natural environment, the varying conditions and needs of the respective States, and mining and mineral resources research projects being conducted by agencies of the Federal and State Governments and other institutes.

RESEARCH FUNDS TO INSTITUTES

SEC. 2. (a) There is authorized to be appropriated to the Secretary $10,000,000 for the fiscal year ending September 30, 1985. This amount shall be increased by $1,000,000 for each fiscal year thereafter for four additional years, which shall remain available until expended. Such funds when appropriated shall be made available to institutes to meet the necessary expenses for purposes of—

(1) specific mineral research and demonstration projects of broad application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes; and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which are deemed by the Committee to be desirable and are not otherwise being studied.

(b) Each application for funds under subsection (a) of this section shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifications of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or State concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will provide opportunity for the training of mining and mineral engineers and scientists; and the extent of participation by nongovernmental sources in the project.

(c) The Committee shall review all such funding applications and recommend to the Secretary the use of the institutes, insofar as practicable, to perform special research. Recommendations shall be made without regard to the race, religion, or sex of the personnel who will conduct and direct the research, and on the basis of the facilities available in relation to the particular needs of the research project; special geographic, geologic, or climatic conditions within the immediate vicinity of the institute; any other special requirements of the research project; and the extent to which such project will provide an opportunity for training individuals as mineral engineers and scientists. The Committee shall recommend to the Secretary the designation and utilization of such portions of the funds authorized to be appropriated by this section as it deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No funds shall be made available under subsection (a) of this section except for a project approved by the Secretary and all funds shall be made available upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

(e) No funds made available under this section shall be applied to the acquisition by purchase or lease of any land or interests therein, or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

SEC. 3. (a) Funds available to institutes under sections 1 and 2 of this act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall—

(1) set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

(2) set forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this Act, and in no case supplant such funds; and

(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

If any of the funds received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) The institutes are authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved. Moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

SEC. 4. (a) The Secretary shall administer this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be

necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, shall participate in coordinating research initiated under this Act by the institutes, shall indicate to them such lines of inquiry that seem most important, and shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the first day of July in each year beginning after the date of enactment of this Act, the Secretary shall ascertain whether the requirements of section 3(a) have been met as to each institute and State.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reason therefor.

AUTONOMY

SEC. 5. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

SEC. 6. (a) The Secretary shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources, of State and local governments, and of private institutions and individuals to assure that the programs authorized by this Act will supplement and not be redundant with respect to established mining and minerals research programs, and to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationswide program of mining and minerals research, with due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

(b) Nothing in this Act is intended to give or shall be construed as giving the Secretary any authority over minng and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

(c) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, are made available promptly to the general public. Patentable inventions shall be governed by the provisions of Public Law 96-517. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent.

(d) There are authorized to be appropriated after September 30, 1984, such sums as are necessary for the printing and publishing of the results of activities carred out by institutes under this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any single fiscal year.

CENTER FOR CATALOGING

SEC. 7. Secretary shall establish a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as may make such information available.

INTERAGENCY COOPERATION

SEC. 8. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include—

(1) continuing review of the adequacy of the Government-wide program in mining and mineral resources research;

(2) identification and elimination of duplication and overlap between agency programs;

(3) identification of technical needs in various mining and mineral resources research categories;

(4) recommendations with respect to allocation of technical effort among Federal agencies;

(5) review of technical manpower needs, and findings concerning management policies to improve the quality of the Government-wide research effort; and

(6) actions to facilitate interagency communication at management levels.

COMMITTEE

SEC. 9. (a) The Secretary shall appoint a Committee on Mining and Mineral Resources Research composed of—

(1) the Assistant Secretary of the Interior responsible for minerals and mining research, or his delegate;

(2) the Director, Bureau of Mines, or his delegate;

(3) the Director, United States Geological Survey, or his delegate;

(4) the Director of the National Science Foundation, or his delegate;

(5) the President, National Academy of Sciences, or his delegate;

(6) the President, National Academy of Engineering, or his delegate; and

(7) not more than six other persons who are knowledgeable in the fields of mining and mineral resources research, including two university administrators involved in the conduct of programs authorized by section 301 of the Surface Mining Control and Reclamation Act of 1977, two representatives from the mining industry, a working miner, and a representative from the conservation community. In making these six appointments, the Secretary shall consult with interested groups.

(b) The Committee shall consult with, and make recommendations to, the Secretary on all matters relating to mining and mineral resources research and the determinations that are required to be made under this Act. The Secretary shall consult with, and consider recommendations of, such Committee in such matters.

(c) Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, paid at a rate fixed by the Secretary but not excess of the daily equivalent of the maximum rate of pay for grade GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, and shall be fully reimbursed for travel, subsistence, and related expenses.

(d) The Committee shall be jointly chaired by the Assistant Secretary of the Interior responsible for minerals and mining and a person to be elected by the Committee from among the members referred to in paragraphs (5), (6), and (7) of subsection (a) of this section.

(e) The Committee shall develop a national plan for research in mining and mineral resources, considering ongoing efforts in the universities, the Federal Government, and the private sector, and shall formulate and recommend a program to implement the plan utilizing resources provided for under this Act. The Committee shall submit such plan to the Secretary, the President, and the Congress on or before March 1, 1986, and shall update the plan annually thereafter.

(f) Section 10 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

ELIGIBILITY CRITERIA

SEC. 10. (a) The Committee shall determine the eligibility of a college or university to participate as a mining and mineral resources research institute under this Act using criteria which include—

(1) the presence of a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement;

(2) evidence of institutional commitment for the purposes of this Act;

(3) evidence that such institution has or can obtain significant industrial cooperation in activities within the scope of this Act; and

(4) the presence of an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or evidence of equivalent institutional capability as determined by the Committee.

(b) Notwithstanding the provisions of subsection (a), those colleges or universities which, on the date of enactment of this Act, have a mining or mineral resources research institute program which has been found to be eligible pursuant to title III of the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445) shall continue to be eligible pursuant to this Act for a period of four fiscal years beginning October 1, 1984.

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Arizona?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I do so again simply to ask the gentleman to give us a little synopsis of what is in the legislation.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, this legislation reauthorizes funds for the minerals institutes at the various higher education institutions around the country. It is a very popular and effective program and has the support of the mining industry, as well as strong support in the House and Senate.

Mr. LUJAN. Mr. Speaker, I might say to the gentleman that I think it is very good legislation and we ought to move ahead with it.

● Mrs. VUCANOVICH. Mr. Speaker, I rise in strong support of the Mining and Mineral Resources Research Institute bill.

The program authorized by this legislation provides significant benefits to both the minerals industry and to the Nation. The institutes provide individuals to the industry who are trained in a wide range of disciplines relating to mining. They also make research available which is of great value to the industry for improving and maximizing recovery of minerals needed for our domestic supply and national security.

The bill authorizes funds for the institutes, but it also requires matching of Federal dollars. In this way, Federal funds are used to encourage State and private investment. Given the importance of our efforts as a Nation to achieve independence from unstable foreign sources of minerals and energy, I am entirely convinced that the Federal Government does have a responsibility to promote research and development of new mining technologies.

I must note, I find it ironic that we are considering this legislation in the same week as the Superfund reauthorization which, if passed, will tax copper at a time when our domestic industry is struggling to compete both at home and in the world market. Let me emphasize that our minerals industry needs the support of the kind embodied in the Minerals Institute bill, not the kind of counterproductive and harmful tax provisions contained in the Superfund legislation.

I urge my colleagues to join me in supporting our minerals industry and voting to reauthorize the Minerals Research Program.●

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REQUEST TO MAKE IN ORDER ON TODAY UNDER SUSPENSION OF THE RULES H.R. 1437, CALIFORNIA WILDERNESS ACT OF 1983

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Speaker may recognize the Committee on Interior and Insular Affairs for the purpose of moving to suspend the rules and pass H.R. 1437, as amended by the Senate.

Mr. Speaker, this is the California Wilderness bill. It has been worked out with the California delegation, but it ought to go on suspension. We are unable to pass it by unanimous consent, so I ask unanimous consent that it be in order today to move to suspend the rules and pass the California wilderness bill.

The SPEAKER. The Chair would ask the gentleman to withdraw that request so the Chair may have a conversation with the gentleman with regard to it.

Mr. UDALL. Mr. Speaker, I withdraw my last request.

The SPEAKER. The request is withdrawn.

CONFERENCE REPORT ON H.R. 6040, SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-977)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 10, 14, 21, 44, 53, 54, 56, 78, 79, 83, 91, 97, 108, 122, 123, 125, 126, 127, 128, 133, 134, 150, 172, 189, 190, 192, 193, 194, 197, 200, 206, and 216.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 15, 17, 24, 25, 29, 31, 33, 34, 37, 38, 41, 42, 46, 57, 64, 65, 68, 69, 70, 71, 72, 74, 88, 89, 90, 93, 95, 98, 100, 102, 105, 109, 112, 113, 114, 115, 120, 121, 137, 139, 140, 142, 169, 173, 174, 176, 177, 182, 191, 196, 198, 202, 203, 204, and 207, and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$9,255,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,882,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$4,936,000, of which $3,855,000 is*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$70,000,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$70,000,000*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

GENERAL PROVISION

The language "without the approval of the Committees on Appropriations" contained in "Title IV, General Provisions, Section 409" in Public Law 98-371 is hereby repealed.

And the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,370,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$6,630,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,000,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

DEPARTMENT OF EDUCATION

And the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$25,000,000*; and the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended as follows: In lieu of the sum named in said amendment insert: *$975,000*; and the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$161,330,000*; and the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$198,410,000*; and the Senate agree to the same.

Amendment numbered 180:

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,920,000*; and the Senate agree to the same.

Amendment numbered 181:

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$102,050,000*; and the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,240,000*; and the Senate agree to the same.

Amendment numbered 184:

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,590,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,950,000*; and the Senate agree to the same.

Amendment numbered 186:

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$13,900,000*; and the Senate agree to the same.

Amendment numbered 187:

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$15,750,000*; and the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendments, amended to read as follows: *$1,500,000 and in addition;* and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 4, 6, 9, 11, 13, 16, 20, 22, 23, 26, 27, 28, 30, 32, 35, 36, 39, 40, 43, 45, 47, 48, 49, 50, 51, 52, 55, 58, 61, 62, 63, 66, 67, 76, 77, 81, 82, 84, 85, 87, 92, 94, 96, 99, 103, 104, 106, 107, 110, 111, 116, 117, 118, 119, 124, 129, 130, 131, 132, 135, 136, 138, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171, 195, 199, 201, 205, 208, 209, 210, 211, 212, 213, 214, and 215.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
J.P. ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
TOM BEVILL,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. HEFNER,
SILVIO O. CONTE,
JOSEPH M. McDADE,
JACK EDWARDS,
JOHN T. MYERS,
CLARENCE MILLER,
LAWRENCE COUGHLIN,
JACK F. KEMP,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
L.P. WEICKER, JR.,
JAMES A. McCLURE,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ROBERT KASTEN,
MACK MATTINGLY,
WARREN B. RUDMAN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6040), making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

Amendment No. 1: Appropriates $50,200,000 for buildings and facilities of the Agricultural Research Service as proposed by the House instead of $49,000,000 as proposed by the Senate.

The conference agreement includes $49,000,000 for the Children's Nutrition Research Center within the Texas Medical Center in Houston, Texas, and $1,200,000 for additional construction at the South Central Agricultural Research Center in Lane, Oklahoma.

AGRICULTURAL MARKETING SERVICE

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that during fiscal year 1984 the Secretary of Agriculture may not implement any amendment to a marketing order applicable to a fruit, vegetable, nut or specialty crop, unless each such amendment thereto is submitted to a separate vote.

The House bill contained a similar provision which provided that none of the funds appropriated or made available for fiscal year 1984 may be used by the Secretary to implement any amendment to a marketing order applicable to a fruit or vegetable.

The conference agreement ensures that growers will have an opportunity to vote on each proposed amendment separately, without that amendment being linked to any other consideration.

FEDERAL CROP INSURANCE CORPORATION

SUBSCRIPTION TO CAPITAL STOCK

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for additional capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act (7 U.S.C. 1504), $50,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $50,000,000 to enable the Secretary of the Treasury to subscribe and pay for additional capital stock of the Federal Crop Insurance Corporation. The House bill provided $25,000,000 for the purchase of additional capital stock and the Senate bill provided that $100,000,000 shall be available to be borrowed from the Treasury for use by the Federal Crop Insurance Corporation. Both the House bill and the Senate amendment provide funds to be used for the payment of indemnities.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , *and guaranteed operating loans, $150,000,000, to remain available until September 30, 1985*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $150,000,000 for guaranteed operating loans as proposed by the House instead of $650,000,000 as proposed by the Senate. The conference agreement provides that the funds shall remain available until September 30, 1985, as proposed by the Senate.

The funds provided by the conference agreement will be used primarily for the refinancing of existing indebtedness. The conferees intend to provide additional funds for this purpose in the 1985 Agriculture Appropriation Bill.

Amendment No. 5: Deletes House language providing $150,000,000 for guaranteed operating loans. These funds are provided in Amendment No. 4.

RURAL HOUSING PRESERVATION GRANTS

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert the following: *"$15,000,000"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $15,000,000 for rural housing preservation grants instead of $30,000,000 as proposed by the Senate.

RURAL HEALTH CENTER FINANCING

The conferees concur in the Senate report language concerning rural health center financing.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 7: Appropriates $12,000,000 for emergency conservation measures instead of $5,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

Amendment No. 8: Appropriates $12,000,000 for the emergency conservation program instead of $8,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

1985 WHEAT PROGRAM

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

1985 WHEAT PROGRAM

Notwithstanding any other provision of law, in carrying out acreage limitation and land diversion programs for the 1985 crop of wheat, the Secretary shall permit all or any part of the acreage diverted from production under such programs by participating producers to be devoted to grazing except during five of the principal growing months, as determined for each State by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement include the language of the Senate amendment relating to the grazing provisions of the 1985 wheat program.

RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

Amendment No. 10: Appropriates $13,867,000 as proposed by the House instead of $14,867,000 as proposed by the Senate. The conferees agree that $1,000,000 should be made available from unobligated funds.

CHAPTER II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "economic development assistance programs", $26,000,000 to remain available until expended, pursuant to 42 U.S.C. 3151(f) of which $7,000,000 is for a grant to the Institute for Technology Development in the State of Mississippi, and of which $19,000,000 is for a grant to Boston University in the State of Massachusetts, for the construction and related costs of the university engineering and technical training center.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

Amendment No. 12: Appropriates $9,255,000 instead of $9,330,000 as proposed by the Senate and $5,725,000 as proposed by the House.

The conferees have provided for the following programs:

Regional ocean service centers	$500,000
Consolidation and restoration of facilities at the Great Lakes Environmental Laboratory	350,000
Building expansion at Wallops Island	1,200,000
Four NOMAD weather data buoys around Hawaii	875,000
Pribilof Islands upgrading of facilities and Convention compliance expenses	2,800,000
Assist in the movement of the AEGIR from Hawaii to the Virgin Islands	280,000
Submersible research dives in Long Island Sound in cooperation with the University of Connecticut	450,000
Colorado River Basin gauges	1,000,000
Temporary moorage of the CHAPMAN for two years at Pascagoula, Mississippi	(1)
Support of the Year of the Ocean Foundation to be used for symposia, meetings, public education activities and research	750,000
National Coastal Resources Research and Development Institute	250,000
National Undersea Research Program at the University of North Carolina at Wilmington	800,000
Total	9,255,000

[1] $75,000 to be absorbed by NOAA.

The conferees agree that NOAA shall conduct a study in-house to determine the best location for a regional ocean service center in the Great Lakes region.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that makes available $750,000 to the Year of the Ocean Foundation, of which $250,000 shall be made available contingent upon a matching fund basis from private sources.

Amendment No. 14: Deletes language proposed by the Senate which earmarked $800,000 for program enhancement at the National Oceanic and Atmospheric Administration Undersea Research Program at the University of North Carolina at Wilmington. Funds for this activity are included in amendment numbered 12.

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Amendment No. 15: Appropriates $4,900,000 as proposed by the Senate instead of $2,000,000 as proposed by the House.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and proposed by said amendment, insert the following:

For an additional amount for "Operations and training", $2,500,000, to remain available until expended: Provided, That these funds shall be made available to the "Association for the Preservation of the Yacht, Potomac" only when matched by an additional $2,500,000 in contributions from State or local governments or private sources. In addition, for the acquisition and preconversion costs for a training vessel to be used at the State University of New York

Maritime College, $8,500,000, to remain available until expended, of which not to exceed $1,000,000 shall be used for preconversion costs: Provided further, That these funds shall be made available for obligation six months following the enactment of this Act only if a suitable surplus vessel has not been made available to the State University of New York Maritime College: Provided further, That upon the bona fide sale, approved by the Maritime Administration, of the current schoolship utilized by the State University of New York Maritime College, the proceeds of such sale shall be applied by the Maritime Administration toward the rehabilitation of the schoolship acquisition provided for herein.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Amendment No. 17: Appropriates $449,000 as proposed by the Senate instead of $527,000 as proposed by the House.

Although the conference agreement does not include the funds proposed by the House for 12 additional positions to meet the Commission's increased workload, the conferees are agreed that these positions are necessary and should be filled as soon as possible with the funds provided for these positions in title II of H.R. 5712, the Department of Justice and Related Agencies Appropriation Act, 1985, as enacted into law.

GENERAL LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 18: Appropriates $7,882,000 instead of $7,156,000 as proposed by the House and $8,341,000 as proposed by the Senate.

The conference agreement provides $1,126,000 and 14 positions for the Civil Division to handle immigration enforcement; $5,290,000 and 33 positions to defend the United States in litigation associated with the bond default by the Washington Public Power Supply System (WPPSS); $566,000 for payment of additional GSA Standard Level User Charges for additional space to house new employees; and $900,000 for increased litigation expenses including $450,000 to reimburse the Department of Justice for payments made to private litigants in the case of *New Mexico ex rel Reynolds* v. *Aamodt.*

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(Transfer of Funds)

Amendment No. 19: Appropriates $4,936,000 of which $3,855,000 is to be derived by transfer instead of $3,500,000 which was to be derived by transfer as proposed by the House, and $8,000,000 of which $3,855,000 was to be derived by transfer as proposed by the Senate.

The conference agreement includes $1,100,000 for relocation of the District of Columbia U.S. Attorney's Office. The conferees are agreed that before any of these funds are obligated for this purpose, the Department of Justice shall submit a reprogramming proposal in accordance with the reprogramming procedures of the House and Senate Appropriations Committees.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *Provided, That $1,100,000 shall remain available until September 30, 1985, for the United States Attorney's office in the District of Columbia for the purpose of relocating, renovating, installing equipment, and renting space: Provided further, That $1,436,000 shall be available until September 30, 1985, for the purpose of paying salaries and expenses of employees supporting the District of Columbia Superior Court*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $1,100,000 for relocating the District of Columbia United States Attorney's Office and $1,436,000 for salaries and expenses of employees of the District of Columbia Superior Court. The House had earmarked $1,100,000 for the first item only. The Senate had earmarked $4,164,000 for the first item and $1,436,000 for the second item.

SUPPORT OF UNITED STATES PRISONERS

Amendment No. 21: Appropriates $5,000,000 for the Cooperative Agreement Program as proposed by the House and stricken by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language clarifying the authority for the Cooperative Agreement Program. This language permits funds to be spent on work camps and less secure or remote jail facilities of State and local governments in exchange for space for housing Federal prisoners in already constructed State or local jail facilities near Federal courthouses.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language extending the availability of $10,692,000 for purchase of ADP and telecommunications equipment until September 30, 1985, and inserts language to accomplish this purpose and to extend the availability of $7,773,000 for undercover operations until September 30, 1985.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

Amendment No. 24: Appropriates $15,760,000 as proposed by the Senate instead of $6,160,000 as proposed by the House. Although the conference agreement does not include the funds proposed by the House for the 150 correctional officer positions for existing Federal correctional institutions, the conferees are agreed that these positions are necessary and should be filled as soon as possible with the funds provided for these positions in title II of H.R. 5712, the Department of Justice and Related Agencies Appropriation Act, 1985 as enacted into law.

Amendment No. 25: Deletes language proposed by the House which would have transferred $3,900,000 from Federal Prison System, "Buildings and Facilities" to the "Salaries and Expenses" account.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language extending the availability of $8,500,000 until September 30, 1985.

NATIONAL INSTITUTE OF CORRECTIONS

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$3,300,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $300,000 to conduct followup studies on the study entitled, "Review of District of Columbia Prison Operations at Lorton, Virginia". The conferees are agreed that the provision of these funds for such studies is not to be construed as a commitment on the part of the Federal Government to assume the responsibility for funding and operating the District of Columbia Prison at Lorton, Virginia, or otherwise assuming the responsibility for housing prisoners under the jurisdiction of the District of Columbia.

GENERAL PROVISION

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language authorizing the Attorney General to receive and administer gifts of money, personal property and services for the purpose of hosting the meeting of the General Assembly of the International Criminal Police Organization (INTERPOL) in the United States in September and October 1985.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Amendment No. 29: Appropriates $279,000 as proposed by the Senate instead of $5,175,000 as proposed by the House.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends the availability of $3,500,000 in this account until September 30, 1985.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

Amendment No. 31: Appropriates $17,140,000 as proposed by the Senate instead of $7,140,000 as proposed by the House.

The conference agreement includes $10,000,000 to allow the Department of State to purchase properties abroad which the Department currently leases or to purchase additional properties abroad for United States embasssy operations. The conferees are agreed that none of these funds are to be used for any project included in the fiscal year 1985 budget request for this account. The conferees are further agreed that before any of these funds are obligated, the Department shall submit a reprogramming proposal for the use of these funds in accordance with the reprogramming procedures of the House and Senate Appropriations Committees.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends the availability of $3,000,000 in this account until September 30, 1985.

PAYMENT TO THE FOREIGN SERVICE

RETIREMENT AND DISABILITY FUND

Amendment No. 33: Appropriates $5,399,000 as proposed by the Senate instead of $4,628,000 as proposed by the House.

RELATED AGENCIES

Amendment No. 34: Inserts a new heading as proposed by the Senate.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that inserts language into the bill which makes available until September 30, 1985, to the Board for International Broadcasting, the fiscal year 1984 exchange rate gains that were placed in reserve or which would be placed in reserve pursuant to the Board for International Broadcasting Act of 1973, as amended.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $220,000 for the Christopher Columbus Quincentenary Jubilee Commission.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

BANKRUPTCY COURTS, SALARIES AND EXPENSES

Amendment No. 37: Appropriates $2,500,000 as proposed by the Senate instead of $2,545,000 as proposed by the House.

CHAPTER III—DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

Amendment No. 38: Appropriates $107,400,000 as proposed by the Senate instead of $105,400,000 as proposed by the House. The conferees agree that $2,000,000 of this appropriation shall be used to establish a recruiting depot and a Naval Reserve Training Center in accordance with the direction contained in the Senate report.

OPERATION AND MAINTENANCE, AIR FORCE

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which increases the amount available within the Operation and Maintenance, Air Force appropriation that can be used for emergencies and extraordinary expenses to a new level of $5,020,000.

GENERAL PROVISIONS

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Section 781 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended by inserting the following language at the end of the provision: "This limitation shall apply only to ejection seats procured for installation on aircraft produced or assembled in the United States."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 41: Changes the effective date for excluding of funded travel of dependent students in the continental United States from July 30 to August 31, 1984, as proposed by the Senate.

Amendment No. 42: Deletes the House language, as proposed by the Senate, which could have disallowed funded travel in the continental United States of dependent students of Department of Defense civilian personnel stationed overseas.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the department of Defense from storing petroleum or petroleum products in non-U.S. vessels.

Amendment No. 44: Restores House language deleted by the Senate which provides a $300,000 grant to the Highland Falls-Fort Montgomery, New York school district.

The conferees emphasize that this special grant is not a precedent and will not be approved again in the future. This exception has been made in view of the severe economic impact of military dependents on the school district involved for which inadequate federal assistance is available through established programs. The Administration must offer a plan to the Congress which addresses the plight of all local school districts that are not now receiving adequate assistance.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendement of the Senate which provides full funding of the U.S.S. Missouri reactivation program with fiscal year 1984 savings.

Amendment No. 46: Deletes House language, as proposed by the Senate, which would have prohibited the Department of Defense from diverting cargo for any consolidation or reduction of the number of ports of call for certain shipments on Military Sealift Command vessels.

The House included a general provision which would have prohibited the Department of Defense from diverting cargo for any consolidation or reduction of the number of ports of call for certain shipments on Military Sealift Command vessels. While the Senate deleted the provision, it included report language directing that the Department take such steps as may be necessary and practicable to ensure fair and reasonable participation for all four port ranges in cargoes reserved to U.S.-flag vessels.

In a letter dated August 8, 1984, the Secretary of Defense indicated that the Department is no longer diverting cargo from ports of call as objected to by both the House and Senate. The Secretary further states that the "Congress will be consulted prior to taking any further action on this matter." Based upon these assurances, the managers agree to delete the provision proposed by the House. However, the Department should clearly understand that it is the intent of the managers that no diversion of Military Sealift Command cargo take place for any purpose prior to receiving clear Congresssional endorsement of any such proposal.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes language that makes $64,200,000 of the amounts in "Aircraft Procurement, Air Force, 1984/1986" available for the purchase of at least thirty-two B-707 aircraft. The Air Force would remove engines and other components from these aircraft and install them on Air National Guard and Air Force Reserve KC-135 tanker aircraft. The Air Force is directed to purchase as many B-707 aircraft as possible over the 32 and to retain the engines and other components as spares only for Air National Guard and Air Force Reserve KC-135 tanker aircraft.

CHAPTER IV

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the construction, operation, maintenance and training of personnel of the hydroelectric project authorized pursuant to section 101 of Public Law 96-205.

GENERAL PROVISION

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $2,000,000 to pay for flood damages resulting from equipment malfunction and subsequent operation of the W. G. Huxtable Pumping Station in Arkansas.

The conferees agree with the House and Senate Report language regarding planning assistance to New York State authorized by Section 214 of Public Law 89-298; the Northeast Water Supply Study; the Indian River County, Fla., San Lorenzo River, Calif., and Moss Landing Harbor, Calif. studies; the Manteo (Shallowbag) Bay, N.C. project; the Revere Beach, Mass. project; the Shotgun Cove, Alaska project; and Little Calumet River, Ind. project; the Savannah River Basin, S.C. study; the Wyoming Valley Local Protection Project, Pa.; the Willow Creek Lake, Oreg. project; the Portsmouth Harbor, Piscataqua River, N.H. project; and the Lakeshore Road, Manistee County, Mich. project.

The conferees are aware of the urgency and magnitude of the flood problem at Jackson, Mississippi. Although initial effort was directed to this area, the flood problems throughout the entire Pearl River Basin must be taken into account with the purpose of reviewing basinwide alternatives with local interests to insure a viable, locally supported project. The conferees, therefore, direct the Corps of Engineers to use $300,000 of available funds to continue studies of the upper Pearl River Basin, concurrent with the Jackson investigations, with a view toward minimizing the impacts on rural residents and examining the potential for providing flood control measures in the Carthage-Leake County area.

From within available funds, the Corps of Engineers should make $160,000 available to continue the Valley Creek study in the Birmingham, Ala. area under the Warrior River and Tributaries authority.

The conferees believe that the Planning Assistance to States program provided by section 22 of Public Law 93-251, as amended, is an appropriate program under which to undertake cooperative studies with States

to assess water supplies and water quality conditions to assist in identifying remedial needs of the region. Accordingly, the conferees direct that, pursuant to the authority provided by section 22, up to $275,000 be allocated within available funds for a cooperative study with the State of South Carolina and the U.S. Geological Survey to assess the impact of saltwater intrusion into the South Carolina aquifers at Hilton Head Island.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate relating to the Yakima River Basin Water Enhancement Project.

ADMINISTRATIVE PROVISION

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that $6,000,000 allocated to flood control work on the Gila River Channel, within the Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona, shall be nonreimbursable and nonreturnable under Federal reclamation law.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conferees agree with the Senate Report language directing the Department of Energy to allocate from unobligated balances $1,500,000 to continue ongoing efforts in gas-cooled reactor spent fuel research and $2,000,000 to complete drilling for the Fenton Hill geothermal reservoir.

INDEPENDENT AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $5,000,000 for Appalachian Regional Development Programs.

The conferees have included $2,500,000 for economic development activities in Aliceville, Ala., and $2,500,000 for economic development activities in Northern Mississippi.

Funds previously appropriated which are referred to on page 81 of House Report No. 98-866 are to be applied to Corridor V.

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 53: Restores language proposed by the House and stricken by the Senate appropriating $15,000,000 in annual contract authority and $150,000,000 in budget authority in the annual contributions for assisted housing account for the section 235 homeownership assistance program.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 54: Appropriates $3,000,000 for research and development as proposed by the House, instead of $4,500,000 as proposed by the Senate. The conference agreement includes $1,000,000 for research at the center being established for hazardous waste management, and an additional $2,000,000 for acid rain research. This supplemental funding will provide a total of $5,500,000 for this activity.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $63,000,000, to remain available until expended. Of this amount, $50,000,000 shall be available for the purposes of the Asbestos School Hazards Abatement Act of 1984 (including up to ten percent for administrative expenses as provided for in said Act): Provided, That this sum shall not be available for asbestos removal projects until the Environmental Protection Agency develops comprehensive guidelines to classify and evaluate asbestos hazards and appropriate abatement options. And of this amount, $13,000,000 shall be available to the City of Akron, Ohio, to refinance the bond debt of the recycle energy system of such city: Provided further, That such sum may not exceed sixty percent of such debt: Provided further, That the facilities of such recycle energy system shall be made available to the Federal government as a laboratory facility for municipal waste to energy research.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees believe that in addition to providing Federal funding support for school asbestos abatement, it is essential for EPA to develop more practical guidance to assist school officials in assessing hazards and evaluating appropriate abatement responses. These guidelines should help to ensure that Federal assistance is directed to schools with the most serious problems and only for abatement projects that cost effectively reduce asbestos hazards. In addition, these guidelines should assist states in developing realistic priority lists limited to schools with serious asbestos problems.

The committee of conference reemphasizes the importance of developing contractor certification and training procedures, as expressed in the Senate report. Apparently, some removal projects are being done by unqualified contractors with the result that workers are unknowingly exposed to dangerous levels and schools left with higher asbestos exposures levels after removal. EPA is urged to explore promising means to help states and school officials assure that contractor personnel are qualified to conduct safe and effective abatement projects.

The conferees support EPA's use of up to 10 percent of these funds for administrative expenses, as authorized in legislation. These funds may also be used for developing the minimum cleanup standards and procedures which EPA was directed to develop by the conference report on the 1985 HUD-Independent Agencies Act. To assure that students and teachers are not exposed to higher asbestos levels after poor quality removal projects, it is essential for EPA to develop basic standards and procedures for acceptable cleanup.

The conferees also recommend $13,000,000 for the City of Akron, Ohio for refinancing up to 60 percent of the bond debt of the recycle energy system. This is to assure the continued success of that innovative energy project. Bill language has been included to assure that the Federal government shall have access to the Akron facility as a laboratory for municipal waste to energy research.

Amendment No. 56: Restores language proposed by the House and stricken by the Senate limiting the capacity of the San Diego/Tijuana wastewater treatment plant to 30,000,000 gallons per day.

The conferees believe that Federal funding should be limited only to the design and construction of a treatment plant which meets the *emergency* public health problems in the waters in and around San Diego. This action is recommended with full awareness that the long-term problem is much greater in scope. The conferees believe that these larger issues and the long-term problem must be addressed through a cooperative effort involving the City of San Diego, the State of California, the Department of State and the government of Mexico. The conferees understand that as additional treatment needs arise, plant capacity can be expanded in a modular fashion, without sacrificing economies of scale.

Amendment No 57: Includes language substituted by the Senate to make funds immediately available for planning and design for the wastewater treatment plant at San Diego. The availability of funds for construction of this treatment plant would remain subject to the President's certification to the Congress of acceptable reimbursement from Mexico.

COUNCIL ON ENVIRONMENTAL QUALITY

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Of the amounts appropriated under this heading in Public Law 98-181, $175,000 shall be available for the necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, to remain available until September 30, 1985.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $175,000 from funds previously appropriated, for general operating expenses of the Council, to remain available through fiscal year 1985. The conferees agree that these funds are to be used to expand NEPA oversight activities and to strengthen the technical and scientific expertise of the Council.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 59: Appropriates $70,000,000 for the emergency food and shelter program, instead of $60,000,000 as proposed by the House and $120,000,000 as proposed by the Senate.

Amendment No. 60: Requires that a grant for $70,000,000 be awarded to the national board within thirty days after enactment, instead of $60,000,000 as proposed by the House and $120,000,000 as proposed by the Senate.

Amendment Nos. 61 and 62: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate permitting units of local government to participate in the emergency food and shelter program.

The conferees agree that the National Board has discretion in limiting expendi-

tures on rehabilitation work and utility payments. The conferees urge the National Board to review and evaluate data other than unemployment data in making allocation decisions. The conferees note that the National Board should perform this data review in a timely manner in order to expedite the process.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

The National Aeronautics and Space Adminstration is authorized, notwithstanding any other provision of law, to acquire for and otherwise take such actions as the Administrator deems necessary to provide to the National Science Foundation, on a reimbursable basis, a Class VI Computer, with accompaning peripheral equipment as requested by the Foundation. NASA is further authorized to lease as a replacement on a two year basis, a compatible upgraded computer, with such peripheral equipment as it deems necessary to conduct requisite research operations. $13,000,000 is appropriated only for this purpose and shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Amendment No. 64: Inserts center heading as proposed by the Senate.

Amendment No. 65: Inserts language proposed by the Senate appropriating $250,000 for payment to the National Institute of Building Sciences.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate establishing a trust fund, the interest of which will be available to the National Institute of Building Sciences and appropriating $5,000,000 for such fund. While this funding mechanism will provide the Institute financial stability and will encourage matching non-Federal contributions, the conferees wish to make clear their strong intent to closely monitor the activities and operations of the Institute. To encourage management improvements the conferees direct the Institute to submit quarterly financial reports and operational plans to the Committees on Appropriations, in addition to the legislatively mandated annual report. Furthermore, the conferees note that although this trust fund will expire in five years, the Congress reserves the right to rescind this appropriation, at any time, should the Institute fail to comply with these requirements, or if it functions in a manner inconsistent with its authorization Act. The conferees also reaffirm that no further appropriations for the Institute will be considered during the life of the trust fund.

NATIONAL SCIENCE FOUNDATION

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the National Science Foundation to acquire, through transfer from the National Aeronautics and Space Administration, a class VI computer and appropriates $1,500,000 for that purpose.

NEIGHBORHOOD REINVESTMENT CORPORATION

Amendment No. 68: Inserts language proposed by the Senate appropriating $500,000 for the Neighborhood Reinvestment Corporation.

VETERANS' ADMINISTRATION

Amendment No. 69: Appropriates $284,900,000 for compensation and pensions as proposed by the Senate, instead of $154,900,000 as proposed by the House.

Amendment No. 70: Appropriates $82,200,000 for readjustment benefits as proposed by the Senate, instead of $52,200,000 as proposed by the House.

Amendment No. 71: Increases the limitation on travel expenses in fiscal year 1984 by $1,000,000 as proposed by the Senate, instead of $2,000,000 as proposed by the House.

The conferees are in agreement with not increasing the funding or staffing for the in-house component of the readjustment counseling program in fiscal year 1984. Because of the lateness in the fiscal year, increased funding or staffing for the in-house Vet Center progam is not required. The conferees are also in agreement that the Veterans Administration should begin taking such administrative planning actions as are necessary to fully implement the expanded fiscal year 1985 Vet Center program on October 1, 1984.

Amendment No. 72: Appropriates $100,000,000 for the loan guaranty revolving fund as proposed by the Senate, instead of $260,000,000 as proposed by the House.

GENERAL PROVISION

Amendment No. 73: Restores language proposed by the House and stricken by the Senate amended to repeal the language "without the approval of the Committees on Appropriations" in connection with Title IV, General Provisions, Section 409 which restricts the use of personnel compensation and benefit funds.

The committee of conference notes that language included in the 1985 HUD-Independent Agencies Appropriation Act which "caps" various NASA program dollar activities and provides for increases in such "caps" with the approval of the Committees on Appropriations could be construed as being unconstitutional. To ensure that these "caps" are retained with a "relief" mechanism, the conferees are in receipt of a letter, dated August 9, 1984, from the National Aeronautics and Space Administration which states that NASA will not expend any funds above the ceilings identified by the Committees in the conference report accompanying NASA's annual appropriation Act. For fiscal year 1985, such "caps" are stated in the conference report (H. Rept. 98-867).

The conferees agree that this agreement in no way limits the Congress from establishing legislative caps in special circumstances such as on total program costs. The conferees also intend that any language carried in the 1985 HUD-Independent Agencies Appropriation Act containing the phrase "without the approval of the Committees on Appropriations" is not severable from the overall limitation and should be interpreted as an indivisible phrase.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Amendment No. 74: Appropriates $44,141,000 for management of lands and resources as proposed by the Senate instead of $43,960,000 as proposed by the House.

Amendment No. 75: Appropriates $1,370,000 for construction and access instead of providing no funding as proposed by the House and $1,700,000 as proposed by the Senate.

The managers agree that no funds are provided for removal and storage of one T-hangar, and for construction of a fuel storage shed.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

LAND ACQUISITION

For an additional amount for "Land acquisition", $4,500,000, to remain available until expended, for expenses necessary to carry out the provisions of section 11 of Public Law 93-531, as amended, including administrative expenses and acquisition of lands or waters, or interest therein.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides $4,500,000 for equalization payments for land exchanges to implement the provisions of the Navajo and Hopi Relocation Act. The managers agreed to delete the Senate provision for exempting land exchanges from provisions of 16 U.S.C. 469a-2; 16 U.S.C. 470; and 16 U.S.C. 470aa, et seq. which pertain to the National Historic Preservation Act and other cultural resources acts.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides a corrected legal description for lands to be transferred to the University of Alaska under Public Law 97-406 and otherwise facilitates the transfer.

U.S. FISH AND WILDLIFE SERVICE

Amendment No. 78: Appropriates $1,785,000 for resource management as proposed by the House instead of $1,608,000 as proposed by the Senate.

The managers have not provided funds that were requested for necessary costs to close 7 fish hatcheries. The managers will address hatchery funding in the 1985 appropriations bill.

Amendment No. 79: Restores language providing funds for pine vole research as proposed by the House.

Amendment No. 80: Appropriates $6,630,000 for construction and anadromous fish instead of providing no funding as proposed by the House and $7,880,000 as proposed by the Senate.

Funds are provided in the amount of $5,380,000 for construction of an Alaskan operations and research vessel and $1,250,000 for completion of the Gainesville National Research Facility.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

LAND ACQUISITION

For an additional amount for "Land acquisition", $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of land or waters, or interest therein, in the Atchafalaya Basin, Louisiana, in accordance with statutory authority applicable to the United States Fish and Wildlife

Service, including the Fish and Wildlife Act of 1956.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to delete language relating funding to the establishment of a National Wildlife Refuge within the Atchafalaya Basin.

NATIONAL PARK SERVICE

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $180,000 of 1984 funds that would otherwise have lapsed will remain available until September 30, 1985, including $150,000 to augment protection, maintenance and operations at New River Gorge National River, W. Va., and $30,000 for the South Point Hawaii Complex, as proposed by the Senate.

The managers agree that the designation of the Georgia O'Keefe homestead as a national historic site is repealed as requested by Georgia O'Keefe.

Amendment No. 83: Deletes Senate language providing for establishing and funding a National Outdoor Recreation Resources Review Commission, with the understanding that the Senate intends to include similar language in its fiscal year 1985 appropriations bill. As the fiscal year 1985 appropriations bill proceeds through Senate floor action and consideration by the conference committee, the managers will review the progress made by the appropriate authorizing committees. The managers urge the appropriate authorizing committees to complete action to authorize the establishment of a National Outdoor Recreation Resources Review Commission at the earliest available opportunity.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $22,653,000 for "Construction" instead of $5,653,000 as proposed by the House and $22,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Included in the allowance is $5,000,000 for rehabilitating and upgrading the Hawaiian Volcano Observatory, including $200,000 to rehabilitate a portion of the old observatory for Park Service use, $17,000,000 for construction of a revetment and breakwater necessary to protect the El Morro Castle at the San Juan National Historic Site, $153,000 to design a visitor contact facility at Johnstown Flood National Monument, and $500,000 to restore the "F" course golf course at East Potomac Park.

GEOLOGICAL SURVEY

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $30,000,000, of which $17,000,000 is by transfer, for Barrow Area Gas Operation, Exploration and Development, instead of no funds as proposed by the House.

This action provides funds necessary to complete the implementation of the Barrow Gas Field Transfer Act of 1984 (Public Law 98-366). In addition to providing for the payment of $30,000,000 to the North Slope Borough to assist with the operational, training, and maintenance needs associated with the transfer, the act requires that the U.S. Geological Survey transfer to the North Slope Borough title to the natural gas contained in the east and south Barrow gas fields and at the Walakpa discovery site, all surface facilities, rolling stock, sand and gravel, and the surface and subsurface estates.

The managers are encouraged by the Survey's expressed desire to complete this transfer in as short a time frame as possible, and expect quarterly reports on the progress towards this goal.

BUREAU OF INDIAN AFFAIRS

Amendment No. 86: Appropriates $27,000,000 for operation of Indian programs instead of $34,650,000 as proposed by the House and $25,600,000 as proposed by the Senate.

The increase over the amount proposed by the Senate consists of $50,000 for the Northwest Indian Fish Commission and $1,350,000 for fire suppression costs.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That for fiscal year 1984, no more than $19,700,000 in total may be obligated or expended for any activities related to automatic data processing operations: Provided further, That the act making Supplemental Appropriations for fiscal year 1983 (Public Law 98-63: 97 Stat. at 326 and 327) is amended under the heading "Bureau of Indian Affairs" and the subheading "Operation of Indian Programs" as follows:*

(1) delete the words "no more than 15.25 acres, excluding roads" and insert in lieu thereof: "30 acres, excluding roads as described in the Memorandum of Understanding dated June, 1984 between the Alaska Area Native Health Service and the Department of Education of the State of Alaska. Such description shall be published in the Federal Register by the Secretary of the Interior".

(2) delete the first sentence in the second undesignated paragraph and insert in lieu thereof:

"No final conveyance of any title, interest, or right shall be made unless the State of Alaska has executed an agreement by October 1, 1984 to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985, and does in fact open such a facility for school operations by September 30, 1985. To assist the State of Alaska in opening such a facility, and notwithstanding the provisions of title 31 U.S.C. 6308, the $22,000,000 appropriated under this heading for use by the State of Alaska in renovating the Mount Edgecumbe school shall be made immediately available, in full, to the State of Alaska upon the execution of the aforementioned agreement, but such funds shall only be expended for facilities to be located within the lands conveyed by this statute. A failure on the part of the State of Alaska to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985 shall cause the interim conveyance made under this heading to terminate.".

(3) insert before the period at the end of the third sentence of the third undesignated paragraph the following: "if the State of Alaska opens a Mount Edgecumbe boarding school facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, 1985, then the interim conveyance terminates as of October 1, 1985, and all interest in the lands covered by the interim conveyance, together with all improvements thereon, revert to the United States": Provided further, That of the unobligated balances in "Construction," $856,405 is hereby transferred to "Operation of Indian programs".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that the funds transferred from the construction account are funds for renovation of the *North Star III*, to support the operation of the *North Star III*.

The managers further agree that amounts provided for pay costs may be used to supplement the amounts otherwise available for: the operation of the *North Star III;* general assistance grants; and automatic data processing (ADP) activities, not to exceed a total ADP program level of $19,700,000.

Amendment No. 88: Provides no additional authority for the revolving fund for loans as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 89: Provides no additional authority for the Indian loan guaranty and insurance fund as proposed by the Senate instead of $6,000,000 as proposed by the House.

TERRITORIAL AND INTERNATIONAL AFFAIRS

Amendment No. 90: Inserts subheading under Administration of Territories as proposed by the Senate.

Amendment No. 91: Appropriates $2,440,000 for Territorial and International Affairs as proposed by the House instead of $1,984,000 as proposed by the Senate.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment:

In lieu of the matter inserted by said amendment, insert: *, and $250,000 to be derived by transfer from unobligated balances of grants to the judiciary in American Samoa for compensation and expenses.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have not agreed to transfer $264,000 appropriated for supplemental food for Bikini, to reimburse the EPA Superfund for costs related to cleanup of hazardous waste sites in the Trust Territory. Instead, a supplemental appropriation has been provided for this purpose.

Amendment No. 93: Appropriates $2,000,000 for Trust Territory of the Pacific Islands as proposed by the Senate.

FOREST SERVICE

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate regarding allocation of Forest Service forest highway money.

The managers expect the Forest Service to use the $615,000 that is available as a result of the sale of the Blythe Skating Arena at Squaw Valley, California to acquire tracts of land along the Truckee River in the Tahoe National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 95: Appropriates $2,948,000 for fossil energy research and development as proposed by the Senate in-

stead of $15,000,000 as proposed by the House. The amount provided is to meet necessary program direction costs of fossil energy research and development's energy technology centers. The Managers have carefully considered and have decided that rather than refurbishing the equipment and operation of the Consolidated Edison 4.8 Mw fuel cell demonstration, efforts should be concentrated on the more advanced 11 Mw fuel cell development. The Managers look forward to the early commercialization of fuel cell technology to maintain this country's position in the forefront of technology development.

ECONOMIC REGULATION

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,395,000 for Economic Regulation instead of $3,000,000 as proposed by the House and $2,700,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This appropriation provides the amount needed for Economic Regulation to meet necessary contract and administrative costs for the balance of fiscal year 1984. The revised distribution of funds (including the 1984 pay supplemental) to Economic Regulation programs follows:

Compliance	$17,500,000
Fuels conversion	1,731,000
Petroleum operations	2,038,000
Program administration	867,000
Hearings and Appeals	5,100,000
Emergency preparedness	5,064,000
Total	32,300,000

STRATEGIC PETROLEUM RESERVE

Amendment No. 97: Appropriates $459,190,000 for the Strategic Petroleum Reserve as proposed by the House instead of $447,190,000 as proposed by the Senate.

The managers have agreed to provide the fiscal year 1985 budget request of $459,190,000 for on-budget planning and storage facility development of the Strategic Petroleum Reserve. This action has been taken on the fiscal year 1984 Supplemental Bill to assure no disruption as work continues into fiscal year 1985. The managers recognize that the Department is now reexamining the requirements for SPR distribution capabilities and selection of cost effective measures for improving the physical accessibility of the market to SPR oil, and that certain expenses in this regard which were not included in the fiscal year 1985 budget justification may be incurred during fiscal year 1985. The managers concur in this action with the assurance that there will be no significant deviation from the original planning and construction program outlined in the justification.

The managers are encouraged by the Department's willingness to promote cost savings through certain management initiatives, and have agreed to offset budget authority in future appropriations acts by the amount of the actual savings achieved during fiscal year 1985.

Amendment No. 98: Deletes Department of Energy administrative provision as proposed by the Senate instead of including language to maintain not less than 280 full-time equivalent Federal employees for the Economic Regulatory Administration as proposed by the House.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which eliminates personnel floors established in section 303 of the Supplemental Appropriations Act, 1982 (Public Law 97-257) as it relates to the Economic Regulatory Administration and the Energy Information Administration. In a letter to the Honorable Sidney R. Yates, Chairman of the Subcommittee on Interior and Related Agencies, dated August 8, 1984, Secretary of Energy Donald P. Hodel wrote the following:

"Let me assure you that removal of the personnel floors for fiscal year 1985 will not adversely affect program accomplishment and that adequate staffing levels will be maintained to carry out enacted programs effectively. I am committed to allocating sufficient resources to these programs for effective mission accomplishment.

"I believe that anticipated Economic Regulatory Administration programs can be accomplished with a staffing level of about 260 full-time equivalents. The planned Energy Information Administration workload can be accomplished with a staffing level of about 490 full-time equivalents. If the floors are repealed, I plan to allocate approximately these staffing levels to these functions. The staffing levels can be achieved through normal hiring and attrition. We anticipate use of reduction-in-force procedures only if missions and skills adjustments require changes in staffing."

Based on the assurances from the Secretary of Energy that this action will not have an adverse impact on carrying out EIA and ERA activities, the managers have agreed to remove these personnel floors. the House and Senate Committees on Appropriations do expect to continue to receive monthly employment reports.

INDIAN HEALTH SERVICE

Amendment No. 100: Deletes language establishing full-time equivalent personnel floors for the Indian Health Service as proposed by the Senate.

The managers remain opposed to the imposition of personnel ceilings on the Indian Health Service, which could impair the ability of the Service to effectively utilize the funds appropriated by the Congress to carry out Indian health programs. The managers have however, agreed to delete this language based on a memorandum dated July 27, 1984, from the Office of the Secretary, Health and Human Services, which exempts the Indian Health Service from any personnel ceilings through September 30, 1984.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Amendment No. 101: Restores the matter stricken by said amendment amended to read as follows:

DEPARTMENT OF EDUCATION

Amendment No. 102: Appropriates no funds for Indian education as proposed by the Senate instead of $3,572,000 as proposed by the House.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendent as follows:

In lieu of the matter proposed by said amendment insert:

GENERAL PROVISIONS

None of the funds appropriated herein or for fiscal year 1985 from the Land and Water Conservation Fund for the Bureau of Land Management or the Forest Service shall be obligated for the acquisition of lands or waters, or interests therein unless and until the seller has been offered, and has rejected, an exchange, pursuant to current authorities, for specific lands of comparable value (within plus or minus 25 per centum) and utility, if such potential exchange lands are available within the boundary of the same State as the lands to be acquired: Provided, That condemnations, declarations of taking, or the acquisition of scenic, conservation, or development easements shall not be subject to this provision: Provided further, That acquisition of tracts of lands of less than 40 acres shall not be subject to this provision.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers urge the agencies to work in good faith and with good judgment to not undermine the effectiveness of this section. The bill language has been prepared so as to not place an undue administrative burden on these agencies and the managers will consider revisions in the future if they are determined to be needed.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends section 306(b)(2) of the Indian Elementary and Secondary School Assistance Act of 1972, to change the maintenance of fiscal effort of any local educational agency from not less than 100 per centum to not less that 90 per centum which will allow for the continuation of grants to small and rural schools. In addition, the language states that the Secretary may waive this requirement for exceptional circumstances for one year only. It is the understanding of the managers and the Department of Education that this policy will be applicable to the 1984/1985 school year as well as future years.

CHAPTER VII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 105: Appropriates $21,700,000 for Job Corps renovation and repair as proposed by the Senate, instead of $25,000,000 as proposed by the House.

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment appropriating $5,117,000 for job training for migrant and seasonal farmworkers.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment appropriating $750,000 (and 20 positions) to improve data collection related to the service sector of the economy and providing for extended availability of the funds.

PENSION BENEFIT GUARANTY CORPORATION

The conferees are aware that the Pension Benefit Guaranty Corporation has taken the most restrictive interpretation with respect to nonforfeitability and contract provisions related to the accrual of pension period credits. This has the effect of rendering negotiated contract provisions inoperative. Particularly in those cases where the action of such agencies as the Internal Rev-

enue Service have arguably contributed to the termination of the involved plan or influenced the timing of same to an extent that prejudices individual plan participants, this interpretation is not justified. In these cases, these provisions should be interpreted less restrictively. The conferees believe that the Pension Benefit Guaranty Corporation should review all cases under its jurisdiction in light of this provision, insofar as it relates to eligibility.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

Amendment No. 108: Appropriates $1,750,000 for activities associated with Acquired Immune Deficiency Syndrome (AIDS) as proposed by the House, instead of $3,200,000 as proposed by the Senate.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

Amendment No. 109: Appropriates $1,175,000 for the Alcohol, Drug Abuse and Mental Health Administration for research activities related to Acquired Immune Deficiency Syndrome (AIDS) as proposed by the Senate. The House bill included no similar provision.

SOCIAL SECURITY ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which clarifies the levels of funding available for refuge and entrant assistance under the fiscal year 1984 Continuing Resolution. The House bill included no similar provision.

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which extends the availability of fiscal year 1984 "targeted assistance" funds through September 30, 1985. The House bill included no similar provision.

OFFICE OF HUMAN DEVELOPMENT SERVICES

FAMILY SOCIAL SERVICES

Amendment No. 112: Appropriates $60,000,000 as proposed by the Senate instead of $43,200,000 as proposed by the House.

Amendment No. 113: Earmarks $43,200,000 for foster care as proposed by the Senate instead of $38,300,000 as proposed by the House.

Amendment No. 114: Earmarks $16,800,000 for adoption assistance as proposed by the Senate instead of $4,900,000 as proposed by the House.

DEVELOPMENTAL DISABILITIES ASSISTANCE

Amendment No. 115: Appropriates $387,000 for part B of the Developmental Disabilities Assistance and Bill of Rights Act as proposed by the Senate. the House bill includes no funds for this purpose.

WORK INCENTIVES

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which amends the Social Security Act by extending certain deadlines in the Work Incentives (WIN) demonstration program and by requiring a study of the allocation formula.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which appropriates $750,000 for carrying out section 418 of the Higher Education Act.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which redesignates the last two sentences of section 5(c) of the Act of September 30, 1950 as subsection 5(h), effective December 8, 1983.

The conferees are aware of the situation in Bourne, Massachusetts, where a decline of 46 federally connected students is likely to result in a loss of $600,000 in federal aid, nearly 60% of the previous year's Impact Aid payment. The Department is directed to look into this matter to see what can be done to resolve this most serious fiscal year 1984 problem, and to report back to the Congress promptly on potential administrative remedies.

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which appropriates $15,000,000 for payments under section 7 of the Act of September 30, 1950. The House bill includes no funds for this purpose.

EDUCATION FOR THE HANDICAPPED

Amendment No. 120: Appropriates $1,200,000 for regional resource centers as proposed by the Senate. The House bill includes no funds for this purpose.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 121: Deletes language proposed by the House which would have transferred $10,000,000 from "Higher education" to "Student financial assistance".

Amendment No. 122: Deletes appropriation of $353,000,000 proposed by the Senate for subpart 1 of Part A of title IV of the Higher Education Act.

HIGHER EDUCATION

Amendment No. 123: Deletes language proposed by the Senate concerning an amount previously appropriated for part B of title IX of the Higher Education Act. The conferees are agreed that the Secretary should follow the intent of Congress regarding this matter as expressed in the Joint Explanatory Statement of the Committee of Conference on the 1984 supplemental appropriation bill H.R. 3959.

SPECIAL INSTITUTIONS

HOWARD UNIVERSITY

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which transfers $5,000,000 from the Department of Education "Office for Civil Rights" to "Howard University".

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

Amendment No. 125: Appropriates $7,500,000 for fiscal year 1984 as proposed by the House, instead of $15,000,000 as proposed by the Senate.

Amendment No. 126: Appropriates $20,500,000 for fiscal year 1985 as proposed by the House, instead of $23,000,000 as proposed by the Senate.

Amendment No. 127: Appropriates $29,500,000 for fiscal year 1986 as proposed by the House, instead of $32,000,000 as proposed by the Senate.

GENERAL PROVISION

NATIONAL HEALTH SERVICE CORPS

Amendment No. 128: Deletes language proposed by the Senate related to the National Health Service Corps. The House bill included no similar provision.

CHAPTER VIII—LEGISLATIVE BRANCH

SENATE

Amendment Nos. 129 and 130: Reported in technical disagreement. Inasmuch as the amendments relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer motions to recede and concur in the Senate amendments 129 and 130.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will move to recede and concur with the amendment of the Senate which provides the customary gratuity to the widow of Representative Carl D. Perkins.

JOINT ITEMS—CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1985

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *"$786,000"*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Of the $786,000 to remain available until September 30, 1985, for the construction of facilities, security, and other expenses of the Joint Committee on Inaugural Ceremonies of 1985, $80,000 is provided for the direct expenses of the Joint Committee, $110,000 is provided for the expenses of the Senate Sergeant at Arms, and $596,000 is for the reimbursable expenses of the Architect of the Capitol. In connection with the cost estimates received from the Architect of the Capitol, $22,400 is allowed for contingencies, $10,000 is provided for temporary use of security devices, and no funds are provided for additional administratives expenses. The conferees believe that, to the extent that the facilities construction will be performed under contract, the Architect of the Capitol should advertise for proposals to obtain the best possible price from qualified bidders.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

Amendment No. 133: Deletes language proposed by the Senate regarding certain duties of the Director of the Office of Technology Assessment. The conferees have been advised by OTA that this language is not necessary at this time.

ARCHITECT OF THE CAPITOL

CAPITOL GROUNDS

Amendment No. 134: Deletes language proposed by the Senate regarding decorative adjustments in the Senate chamber. Instead, the conferees direct that the Architect of the Capitol, within available funds, expedite the installation of symoblic stars for the four most recently admitted States not represented on the ceiling and walls of the Senate chamber.

CAPITOL GROUNDS

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends the availability of $230,000 appropriated in P.L. 98-51 to the Architect of the Capitol, "Capitol Grounds", for the resurfacing of the East Plaza. The Committee of Conference notes that these funds are extended only for the specific purpose originally appropriated, but directs that the resurfacing project shall be delayed pending resolution of questions concerning the landscaping of the East Plaza grounds.

SENATE OFFICE BUILDINGS

Amendment No. 136: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in that Senate amendment.

LIBRARY BUILDING AND GROUNDS STRUCTURAL AND MECHANICAL CARE

Amendment No. 137: Appropriates $81,500,000 for "Structural and mechanical care, Library buildings and grounds", as proposed by the Senate instead of $500,000 as proposed by the House.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which places a limitation of $81,000,000 on the cost of the restoration and renovation of the Jefferson and Adams buildings of the Library of Congress with the proviso that such funds shall be available for obligation without regard to section 3709 of the revised statutes, as amended. The conferees are in agreement with the cost method, reporting and scheduling requirements for this project as set out in Senate Report 98-570 and direct that all such reports and schedules be submitted to House and Senate Committees on Appropriations. The conferees further note that, under the selected cost method "B", the construction items identified for in-house performance are: alterations for interim occupancy; signage; data cabling; CATV; electronic security and life safety; and art restoration, as proposed in Item 4 of the Architect of the Capitol Fiscal Year 1984 Supplemental Request for the Restoration and Renovation of the Library of Congress Thomas Jefferson Building and the John Adams Building . . . Supplementary Information . . . Febuary 1984.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Amendment No. 139: Deletes language proposed by the House and stricken by the Senate making the availability of funds appropriated for the construction of a mass book deacidification facility subject to enactment of authorizing legislation.

CHAPTER IX

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

Amendment No. 140: Deletes $4,000,000 proposed by the House for planning and design of Brooke Army Medical Center, Texas. The conferees for this project approved the use of design funds through a general provision as indicated in Amendment 144.

MILITARY CONSTRUCTION, NAVY

Amendment No. 141: Appropriates $25,000,000 for construction of a fuel pier at Naval Station Keflavik, Iceland, instead of $5,000,000 as proposed by the House and $30,000,000 as proposed by the Senate. These funds are provided contingent upon the Department meeting the conditions specified in the House report.

MILITARY CONSTRUCTION, AIR FORCE

The amount of $49,000,000 has been provided for RDF facilities at Ras Banas, Egypt. These funds are provided contingent upon the Department meeting the conditions specified in the House report with the exception of the provision on the percentage of U.S. funds to be subcontracted to U.S. firms. The conferees direct that the Department maximize to the extent possible the subcontracting of U.S. construction funds to U.S. firms. The Secretary of Defense is to submit verification that all these conditions have been met prior to award of a construction contract and obligation of these funds.

GENERAL PROVISIONS

Amendment No. 142: Deletes language proposed by the House directing the design within 30 days of the bill's enactment of a 695-bed hospital at Brooke Army Medical Center, Texas. This amendment is described under Amendment 144.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires the award of construction contracts over $5,000,000 in the United States territories in the Pacific and on Kwajelein Island to U.S. firms, if the lowest responsive U.S. bid is within 20 percent of the low foreign bid.

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Notwithstanding any other provision of law, funds appropriated for the design of the renovation of and addition to Brooke Army Medical Center at Fort Sam Houston, Texas, are also available for the design of a replacement facility.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Fiscal Year 1985 Military Construction Authorization bill (H.R. 5604) contains a provision requiring the Secretary of the Army to enter into a contract for the design of replacement facilities at Brooke Army Medical Center, including a hospital facility of not less than 450 beds, within 120 days of its enactment. The conferees have deleted a similar provision from this bill and fully expect the Secretary of the Army to comply with the applicable provision of the Fiscal Year 1985 Military Construction Authorization bill and to make previously appropriated funds available for the design of the replacement facility.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Secretary of Defense to transfer funds in the Military Construction, Defense Agencies account to other military construction accounts.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows for the transfer of funds from the Military Family Housing Management account to the Family Housing account of each Service.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Notwithstanding any other provision of law, the Secretary of the Navy may utilize part of the funds from the sale of property at the Naval Base, Port Hueneme, California, as specified in section 812 of Public Law 98-115, to build replacement facilities.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Navy is to proceed immediately to finalize the land transfer at Port Hueneme, California as specified in section 812 of the Fiscal Year 1984 Military Construction Authorization Act. The Committees are to be informed on the progress being made to resolve the payment for this property. Final disposition of the property is to be settled no later than October 1, 1984. The project for the replacement of warehouse facilities is to be proposed to the committee through a reprogramming request.

CHAPTER X

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting the use of funds to reduce the Coast Guard's polar icebreaker fleet below five vessels.

URBAN MASS TRANSPORTATION ADMINISTRATION

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate broadening the eligibility of certain Urban Mass Transportation Administration funds reserved for commuter rail purposes to include bus and bus related facilities.

RELATED AGENCY

INTERSTATE COMMERCE COMMISSION

Amendment No. 150: Deletes language proposed by the Senate rescinding $1,200,000 from Interstate Commerce Commission, Salaries and expenses.

CHAPTER XI

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

Amendment No. 151: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate

transferring $3,000,000 to the Customs Service from the Secret Service.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF FEDERAL PROCUREMENT POLICY

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to waive the travel limitation for the Office of Federal Procurement Policy.

INDEPENDENT AGENCIES

OFFICE OF PERSONNEL MANAGEMENT

REVOLVING FUND

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate changing a legal citation.

ADMINISTRATIVE PROVISIONS

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate modifying the law regarding the payment of retirement benefits.

CHAPTER XII—FOREIGN ASSISTANCE

Amendment No. 155: Reported in true disagreement.

Amendment No. 156: Reported in true disagreement.

Amendment No. 157: Reported in true disagreement.

Amendment No. 158: Reported in true disagreement.

Amendment No. 159: Reported in true disagreement.

Amendment No. 160: Reported in true disagreement.

Amendment No. 161: Reported in true disagreement.

Amendment No. 162: Reported in true disagreement.

Amendment No. 163: Reported in true disagreement.

Amendment No. 164: Reported in true disagreement.

Amendment No. 165: Reported in true disagreement.

CHAPTER XIII—DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

Amendment No. 166: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

CHAPTER XIII

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for "Governmental direction and support", $250,000, which shall be derived from the earnings of the applicable retirement funds, to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That notwithstanding any other provision of law, the District of Columbia Retirement Board shall transfer to the District of Columbia $748,000 from the District of Columbia Police Officers and Fire Fighters' Retirement Fund and $1,199,000 from the District of Columbia Teachers' Retirement Fund in conformity with appropriation transfers contained in this Act: Provided further, That all budget requests and justifications for the District of Columbia government shall start with the amounts appropriated in the most recently enacted appropriation act and then explain changes from those amounts to the current budget request.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic development and regulation", $3,912,300, of which $1,313,000 shall be derived by transfer from the appropriation "Human support services" and $2,563,300 shall be derived by transfer from the appropriation "Public works": Provided, That notwithstanding the provision regarding the calculation of repayments by the District of Columbia Housing Finance Agency under the heading "Economic development and regulation" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820, 821; Public Law 98-125), for the fiscal year ending September 30, 1984, the District of Columbia Housing Finance Agency established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative cost plus interest at a rate of 4 percent per annum for a term of fifteen years, with a deferrral of payments for the first four years.

PUBLIC SAFETY AND JUSTICE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public safety and justice", $4,318,000 of which $967,000 shall be payable from the revenue sharing trust fund: Provided, That $246,000 of this appropriation shall be derived by transfer from the appropriation "Governmental direction and support", $15,000 shall be derived by transfer from the appropriation "Economic development and regulation", $2,815,000 shall be derived by transfer from the appropriation "Public education system", and $479,000 shall be derived by transfer from the appropriation "Human support services".

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for Human support services", $15,181,000, of which $287,000 shall be derived by transfer from the appropriation "Economic development and regulation", and $437,000 shall be derived by transfer from the appropriation "Public education system".

PUBLIC WORKS

(TRANSFER OF FUNDS)

For an additional amount for "Public works", $4,926,300, of which $611,000 shall be derived by transfer from the appropriation "Governmental direction and support", $97,300 shall be derived by transfer from the appropriation "Economic development and regulation", $3,660,000 shall be derived by transfer from the appropriation "Public education system", and $558,000 shall be derived by transfer from the appropriation "Human support services".

ADJUSTMENTS

In addition to the reduction in authorized appropriations and expenditures within object class 30A (energy) required by Public Law 98-125 (97 Stat. 823), the Mayor is authorized and directed to further reduce authorized appropriations and expenditures for the fiscal year ending September 30, 1984, in the amount of $12,000,300 within one or several of the various appropriation headings in the District of Columbia Appropriation Act, 1984, approved October 13, 1983, (Public Law 98-125), as amended by this Act: Provided, That notwithstanding the provision regarding reductions within object class 13 under the heading "Adjustments" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), the Mayor shall not be required to reduce authorized appropriations and expenditures within object class 13 (additional gross pay) in the amount of $361,800 for the fiscal year ending September 30, 1984: Provided further, That the Mayor is authorized and directed to further reduce authorized appropriations and expenditures as follows: $210,800 from "Governmental direction and support", $57,000 from "Economic development and regulation", and $94,000 from "Human support services".

WASHINGTON CONVENTION CENTER FUND

For the "Washington Convention Center", $6,072,000: Proivided, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $14,663,000: Provided, That $827,000 shall be available for project management and $788,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated for "Washington Convention Center Enterprise Fund" for fiscal year 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 824; Public Law 98-125), $9,617,000 are rescinded.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have amended the Senate amendment, which inserts a new chapter for the District of Columbia, to reflect transfers of funds rather than rescissions and appropriations, as requested by the District and proposed by the Senate. The effect of the conference action is to provide new budget authority totaling $49,434,400 consisting of $34,771,400 in operating expenses and $14,663,000 for capital outlay. In addition, the conferees recommend a rescission of $9,617,000. The increase of $34,771,400 in operating expenses includes $13,443,400 from transfers and $12,000,300 to be financed from unspecified reductions the Mayor is required to make. The balance of $9,327,700 reflects the net increase in budget authority recommended by the conferees and will be funded entirely from increases in local revenue collections. The House bill did not reflect any of the District government's supplemental requests because the estimates were in the formulation stage when the House approved the bill.

Governmental Direction and Support.—The conference action transfers $250,000, as proposed by the Senate, from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board. The conferees have approved language requested subsequent to Senate action on the bill providing for the transfer of $748,000 from the Police and Fire Fighters' Retirement Fund and $1,199,000 from the Teachers' Retirement Fund to the District of Columbia in conformity with appropriation transfers contained in this Act. There transfers from the two retirement funds are possible due to an overpayment to the Board by the District during fiscal year 1984. The District was notified of this overpayment by the Board's counsel on August 2, 1984.

Budget requests and justifications.—The conferees have added language requiring that all budget requests and justifications for the District of Columbia government start with the amounts appropriated in the most recently enacted appropriation act and than explain with some clarity the changes from those amounts to the current budget request. The justifications prepared to explain the fiscal year 1984 supplemental were lacking not only because they did not include a general overview but also the "original budget" column included three appropriation accounts which started with amounts that were somewhere between the previous appropriation and the revised request with no explanation of the discrepancy. In addition, the financial plan had two columns, one for the original budget and one for the revised budget, but for some reason there was no column to show the change although there was plenty of space on the page for such a column. These omissions or lapses result in wasted time not only by the Committees but also by District employees who have to answer the questions which could and should have been answered very simply by including adequate information in the justifications. The conferees wish to place District officials on notice that beginning with the fiscal year 1986 budget, the committees will not hold any hearings until the justifications meet the Committees requirements, and hearings will not be held just for the agencies whose budgets are in order. A delay by the Committees in holding hearings could result in the District being included in a stop-gap funding measure at the previous year's spending levels with no allowance for new programs. District officials are being placed on notice at this time so they will have adequate time to properly prepare their justification material.

Economic Development and Regulation.—The conference agreement provides an additional $3,912,300 of which $1,313,000 is transferred from the Human Support Services appropriation title and $2,563,300 is transferred from the Public Works appropriation title, as proposed by the Senate.

Public Safety and Justice.—The conference action provides an additional $4,318,000, of which $967,000 is payable from the revenue sharing trust fund. Of this appropriation, $246,000 is transferred from the Governmental Direction and Support appropriation title; $15,000 is transferred from the Economic Development and Regulation appropriation title; $2,815,000 is transferred from the Public Education System appropriation title and $479,000 from the Human Support Services appropriation title.

Human Support Services.—The conference action provides an additional $15,181,000 of which $287,000 is derived by transfer from the Economic Development and Regulation appropriation title and $437,000 is transferred from the Public Education System appropriation title, as proposed by the Senate.

Public Works.—The conference agreement provides an additional $4,926,300 for the Public Works appropriation title as proposed by the Senate. Of this amount, $611,000 is derived by transfer from Governmental Direction and Support, $97,300 is transferred from the Economic Development and Regulation appropriation title, $3,660,000 is transferred from the Human Support Services appropriation title.

Repayment of General Fund Deficit.—The conferees have not approved the District's request to reduce $8,129,000 from the $15 approved in the regular annual appropriation bill for repayment of the District's general fund deficit which totaled $279,411,000 as of September 30, 1983. The conferees expect the general fund deficit to be reduced by the full $15 million in fiscal year 1984 and note the Mayor's assurance, which he gave during hearings when he testified before the House Committee on Appropriations on the fiscal year 1985 budget, that this would be done.

Adjustments.—The conference action requires the Mayor to reduce authorized appropriations and expenditures during fiscal year 1984 by $12,000,300 instead of $3,871,300 as proposed by the Senate. The increase of $8,129,000 above the Senate proposal will allow the District to reduce its general fund deficit by $15 million. The conferees have deleted language proposed by the Senate exempting certain programs from these reductions. This will allow the Mayor greater flexibility in making the required savings.

Washington Convention Center Fund.—The conference action transfers the Washington Convention Center from an enterprise fund entity to a separate appropriation title within the general fund as proposed by the Senate. A total of $6,072,000 is provided for the Washington Convention Center fund and $9,617,000 is rescinded from the Washington Convention Center Enterprise Fund.

Capital Outlay.—The conference action provides $14,663,000 in additional capital outlay authority as proposed by the Senate.

TITLE II

INCREASED PAY COSTS FOR THE FISCAL YEAR 1984

LEGISLATIVE BRANCH

SENATE

Amendment No. 167: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

ARCHITECT OF THE CAPITOL

SENATE OFFICE BUILDINGS

Amendment No. 168: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 169: Deletes an appropriation of $347,000 proposed by the House and stricken by the Senate.

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

(TRANSFER OF FUNDS)

SALARIES OF JUDGES

Amendment No. 170: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes an appropriation of $3,625,000 to be derived by transfer and inserts an appropriation of $3,775,000 to be derived by transfer.

SALARIES OF SUPPORTING PERSONNEL

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes an appropriation of $1,000,000 to be derived by transfer and inserts an appropriation of $2,500,000 to be derived by transfer.

DEPARTMENT OF AGRICULTURE

Amendment No. 172: Appropriates $50,000 for the Office of the Secretary as proposed by the House instead of $99,000 as proposed by the Senate.

Amendment No. 173: Deletes the appropriation of $495,000 for the Federal Crop Insurance Corporation as proposed by the Senate.

Amendment No. 174: Appropriates $5,112,000 for salaries and expenses of the Food Safety and Inspection Service as proposed by the Senate instead of $4,362,000 as proposed by the House.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Amendment No. 175: Appropriates $975,000 instead of $1,948,000 as proposed by the House and no funds as proposed by the Senate.

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

Amendment No. 176: Appropriates $244,630,000 as proposed by the Senate instead of $234,630,000 as proposed by the House.

Amendment No. 177: Transfers $30,000,000 from Retired Pay, Defense, 1984 as proposed by the Senate instead of $40,000,000 as proposed by the House.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

Amendment No. 178: Appropriates $161,330,000 instead of $149,530,000 as proposed by the House and $173,130,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, NAVY

Amendment No. 179: Appropriates $198,410,000 instead of $186,110,000 as proposed by the House and $210,710,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, MARINE CORPS

Amendment No. 180: Appropriates $8,920,000 instead of $8,320,000 as proposed by the House and $9,520,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, AIR FORCE

Amendment No. 181: Appropriates $102,050,000 instead of $95,000,000 as proposed by the House and $109,100,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

Amendment No. 182: Appropriates $80,862,000 as proposed by the Senate instead of $92,630,000 as proposed by the House.

OPERATION AND MAINTENANCE, ARMY RESERVE

Amendment No. 183: Appropriates $7,240,000 instead of $6,740,000 as proposed by the House and $7,740,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, NAVY RESERVE

Amendment No. 184: Appropriates $1,590,000 instead of $1,490,000 as proposed by the House and $1,690,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

Amendment No. 185: Appropriates $6,950,000 instead of $6,500,000 as proposed by the House and $7,400,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

Amendment No. 186: Appropriates $13,900,000 instead of $12,950,000 as proposed by the House and $14,850,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Amendment No. 187: Appropriates $15,750,000 instead of $14,700,000 as proposed by the House and $16,800,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

Amendment No. 188: Restores the matter stricken by said amendment, amended to read as follows: *$1,500,000 and in addition,*

This amendment provides $1,500,000 for increased pay costs for the Indian Health Service instead of $3,400,000 as proposed by the House and no funds as proposed by the Senate.

CENTERS FOR DISEASE CONTROL

Amendment No. 189: Provides that $4,235,000 for the cost of the Federal pay raise at the Centers for Disease Control be derived by transfer from "Health Resources and Services" as proposed by the House. The Senate bill proposed $4,235,000 as a new appropriation.

HEALTH RESOURCES AND SERVICES REPROGRAMMING

The House and Senate reports have both provided for the reprogramming of funds no longer required for the National Health Services Corps to other activities. The House report (H. Rept. 98-916) provides for the reprogramming of $16,167,000 while the Senate report (S. Rept. 98-570) provides for the reprogramming of $17,498,000. The conferees now understand that $22,848,000 is available and have agreed that these funds be reprogrammed or transferred as follows: $14,350,000 to community health centers; $3,601,000 for pay costs at the Health Resources and Services Administration; $4,235,000 for pay costs at the Centers for Disease Control; $332,000 for pay costs at other agencies of the Department of Health and Human Services; $330,000 to the nursing loan repayment program.

ASSISTANT SECRETARY FOR HEALTH

Amendment No. 190: Deletes appropriation of $1,084,000 for "Public Health Service Management" proposed by the Senate. The conferees have agreed that these costs should be absorbed within currently available funds as proposed by the House. The conferees are further agreed that the Department should submit its plans as to how it will absorb the additional pay costs as a reprogramming request prior to taking any action thereon.

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

Amendment No. 191: Appropriates $4,242,000 for surveys, investigations, and research as proposed by the Senate.

The managers agree that the Geological Survey should receive the same consideration as other agencies in the Department of the Interior and, therefore, have provided fifty percent of their increased pay costs.

OFFICE OF THE SECRETARY

Amendment No. 192: Deletes funds for departmental management as proposed by the House instead of providing $200,000 in new appropriations and $300,000 by transfer as proposed by the Senate.

OFFICE OF THE SOLICITOR

Amendment No. 193: Deletes $220,000 for salaries and expenses proposed by the Senate amendment.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 194: Deletes $387,000 for salaries and expenses proposed by the Senate amendment.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Amendment No. 195: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$35,000,000, of which $1,200,000 shall be derived by transfer from the unobligated balances of "Interstate Commerce Commission, Salaries and expenses," and of which $3,800,000 shall be derived by transfer from the unobligated balances of "Civil Aeronautics Board, Payments to air carriers";*

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 196: Appropriates $4,900,000 for salaries and expenses as proposed by the Senate, instead of $4,500,000 as proposed by the House.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 197: Appropriates $17,582,000 for research and program management as proposed by the House, instead of $20,000,000 as proposed by the Senate.

Amendment No. 198: Provides an increase of $2,000,000 in the travel limitation as proposed by the Senate, instead of $1,500,000 as proposed by the House.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $3,900,000 of which $2,000,000 is to be derived by transfer from the Disaster Loan Fund instead of an appropriation of $1,900,000 as proposed by the House.

VETERANS' ADMINISTRATION

Amendment No. 200: Deletes language proposed by the Senate appropriating $1,000,000 for general operating expenses.

Amendment No. 201: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

"Construction, minor projects", an increase of $334,000 in the limitation on the expenses of the Office of Construction;

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Amendment No. 202: Appropriates $2,640,000 as proposed by the Senate instead of $3,240,000 as proposed by the House.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

Amendment No. 203: Appropriates $1,900,000 as proposed by the Senate instead of $1,453,000 as proposed by the House.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 204: Inserts center heading as proposed by the Senate.

Amendment No. 205: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *$2,131,000, of which not to exceed $400,000 shall be derived from "State and local assistance", and of which not to exceed $307,000 shall be derived from "Emergency planning and assistance"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are concerned that individuals with the Federal Emergency Management Agency are in violation of Section 406 of the general provisions of the 1984 HUD-Independent Agencies Act which states:

"SEC. 406. None of the funds provided in this Act to any Department or Agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, U.S.C. Sec. 101, is exempted from such limitation."

The conferees wish to reiterate that none of the funds in this or any other Act may be used to provide for the transportation of any officer or employee of the Federal Emergency Management Agency between his or her office and domicile in any government-owned or leased vehicle.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

Amendment No. 206: Deletes $2,100,000 for salaries and expenses as proposed by the Senate.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

Amendment No. 207: Appropriates $1,000,000 as proposed by the Senate instead of $1,320,000 as proposed by the House.

TITLE III

GENERAL PROVISIONS

Amendment No. 208: Reported in disagreement.

Amendment No. 209: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment insert the following: *303(a).*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $8,500,000 for the acquisition of not more than 1,000 acres of land for fish and wildlife mitigation purposes associated with the Bonneville Lock and Dam, Second Powerhouse, Washington and Oregon project.

FEDERAL COMMUNICATIONS COMMISSION

Amendment No. 210: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 304. No funds appropriated by this or any other Act to the Federal Communications Commission may be used to implement the Commission's decision adopted on July 26, 1984, in Docket GEN 83-1009 as it applies to television licenses, prior to April 1, 1985, or for 60 days after the Commission's reconsideration of its decision in this matter, whichever is later. The term "implement" shall include but not be limited to processing, review, approval, or acquisition of any interest in or the transfer or assignment of television licenses.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees note that there is great concern in Congress over the possible impact of changing the limitation on the number of television stations individuals and corporations may own. The conferees direct the Federal Communications Commission to proceed cautiously in this area, to consider all potential alternatives, and to consult with the Committees on Appropriations, the Judiciary Committees, the Senate Commerce Committee, and the House Energy and Commerce Committee prior to taking any further action.

Amendment No. 211: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which is a sense of the Congress provision related to agricultural credit.

Amendment No. 212: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate extending the time period for which air traffic controller reemployed annuitants may be paid without dual compensation penalty from December 31, 1984, to December 31, 1985. The conferees note that Section 5532 (f)(2) requires the FAA administrator to determine that there is an "unusual shortage" of air traffic controllers for this provision to take effect. The conferees expect the FAA administrator to certify and justify in writing to the Committees on Appropriations that there is an "unusual shortage" of air traffic controllers before the authority provided by this amendment is exercised.

The conferees also believe that the FAA should take every reasonable step to improve the procedures by which air traffic controllers are trained and brought to a fully-qualified status. In this regard, FAA should recognize that an ideal pool of aviation talent will emerge from the airway science curriculum program. FAA is instructed to review its recruitment and training process to make the best use of these graduates, and, as appropriate, speed their entry into the aviation system.

LEGAL SERVICES CORPORATION

Amendment No. 213: Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language that amends, upon enactment of H.R. 5712, the first proviso under the heading "Legal Services Corporation, Payment to the Legal Services Corporation." The amendment clarifies and narrows the scope of the provision which prohibits the denial of the awarding of a grant to a grantee or contractor as a result of activities which during fiscal year 1984 have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding.

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 308. (a) The Congress finds that—

(1) the export of American poultry meat products has reduced our Nation's annual trade deficit by over $275,000,000 but has declined for two straight years;

(2) an even more drastic decline in the exports of American shell eggs has occurred over the same period of time and many foreign markets have been completely lost;

(3) the decline of such exports is largely a result of the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil;

(4) the United States has been engaged for almost three years in negotiations with such countries to end the use of such subsidies but has been unable to make substantial progress in ending such subsidies; and

(5) further negotiations to end the use of such subsidies are expected to be held in October 1984.

(b) It is the sense of the Congress that—

(1) the President should use all practicable means to necessitate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil in order to permit American producers to compete more fairly in international markets and to avoid the imposition of such subsidies by the United States.

(2) the President should use all of the authorities available, including the Commodity Credit Corporation, to move U.S. agricultural products in world trade at competitive prices.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement incorporates the text of the Senate amendment and adds language calling for the sale of U.S. agricultural commodities in world trade at competitive prices.

Amendment No. 215: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language that directs the Secretary of Commerce to submit, within thirty days of the enactment of this Act, to the appropriate committees of the Congress, a report specifying a proposal to meet the funding obligations of the Fisherman's Guarantee Fund.

TITLE IV

UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES ACT

Amendment No. 216: Deletes language proposed by the Senate which would have authorized an undergraduate scholarship program designed to bring students from developing countries to the United States for study at American institutions of higher education.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority recommended by the Committee on Conference, with comparisons to the budget estimates, and the House and Senate bills follow:

Budget estimates of new (obligational) authority ..	[1] $6,343,780,170
House bill	5,384,624,400
Senate bill	6,983,228,070
Conference agreement	[2] 5,817,318,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority	−526,462,170
House bill	+432,693,600
Senate bill	−1,165,910,070

[1] Includes $43,417,000 of budget estimates not considered by the House.

[2] Reflects House position for amounts in true disagreement.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
J.P. ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
TOM BEVILL,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. HEFNER,
SILVIO O. CONTE,
JOSEPH M. McDADE,
JACK EDWARDS,
JOHN T. MYERS,
CLARENCE MILLER,
LAWRENCE COUGHLIN,
JACK KEMP,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
L.P. WEICKER, JR.,
JAMES A. McCLURE,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ROBERT KASTEN,
MACK MATTINGLY,
WARREN B. RUDMAN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., AUGUST 31, 1984, TO FILE SUNDRY COMMITTEE REPORTS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m. on August 31, 1984, to file committee reports on the following bills: H.R. 5938, Record Rental Amendment of 1984; H.R. 5644, Supreme Court Mandatory Appellate Jurisdiction Reform Act of 1984; H.R. 5479, a bill to amend the Equal Access to Justice Act (relating to attorneys' fees awards against the United States); and H.R. 5645, Federal Court Civil Priorities Act.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENTS AS MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF THE INTERPARLIAMENTARY UNION AT GENEVA, SWITZERLAND

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a–1, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Geneva, Switzerland, on September 24 through September 29, 1984, the following Members on the part of the House:

Mr. PEPPER of Florida, chairman;
Mr. HAMILTON of Indiana, vice chairman;
Mr. SAM B. HALL, Jr. of Texas;
Mr. KILDEE of Michigan;
Ms. OAKAR of Ohio;
Mr. MICA of Florida;
Mr. HARRISON of Pennsylvania;
Mr. HYDE of Illinois;
Mr. ROTH of Wisconsin;
Mr. MCGRATH of New York;
Mr. BATEMAN of Virginia; and
Mr. BOEHLERT of New York;

INTRODUCTION OF BUDGET BREACH PROPOSAL

(Mr. RAY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I recently made a speech on the floor of the House of Representatives outlining the frustrations which I have felt as a freshman Member with the budget procedures that we have.

I came to the Congress with a commitment to work as hard as I could to return this country to some sane spending practices. Many of my freshman colleagues also had spending reductions right at the top of their list of legislative priorities, and they have felt the same frustrations that I have.

Therefore, Mr. Speaker, I am introducing a bill today, along with my colleagues, the gentleman from Georgia [Mr. JENKINS] and the gentleman from Georgia [Mr. DARDEN], which I think will focus on some constructive changes in the House budget process, and I hope all of my colleagues will take a good look at this legislation.

Mr. Speaker, it is bad enough that we refuse to come to serious grips with our own irresponsibility, and that we cannot bring ourselves to have a broad enough viewpoint so that we can look beyond the political needs of the moment.

But it is even worse that we structure the procedures of the Congress in such a way that we don't stand up and face the music with the American people when we violate the budget limits which we set for ourselves.

If the spending bills which we are passing are really important enough to justify asking our children and grandchildren to pay for them, then we should not be afraid to stand up and tell the American people that we are breaching our own budget, and why we are doing so.

But we don't do that, Mr. Speaker. Instead we cloud up what we are doing in continuing resolutions and supplemental appropriations. We lump our spending bills together in Christmas tree type packages where highly popular bills are tied together with measures which would have no chance whatever if they were left to stand on their own.

We go through the symbolic routine of setting ceilings for each of the appropriations subcommittees which report out spending bills, but these ceilings don't mean anything.

In the first place, if the Congress decides to proceed with the business of spending the people's money without even making those ceilings public, they are perfectly free to do so. In fact, the House has approved 9 out of the 13 spending bills we are scheduled to consider this fiscal year, and none of the Members—except those on the Appropriations Committee—have any idea of what the subcommittee ceilings are.

The distinguished committee chairman assures us that these ceilings have been set, and that his committee is operating within them. He is one of the leaders of this body, and I am sure that what he says is true. But I fail to see why the rest of us in the House, and the American public should not be told the details of the spending blueprint that we are operating under.

Second, even if the spending ceilings for each of the individual subcommittees are set and published, they can be completely and totally ignored. If the Appropriations Committee chooses to bring a spending bill to the floor in spite of the fact that it breaches the spending ceiling which they have published for that subcommittee, then no Member of the House can even raise a point of order against the measure.

Mr. Speaker, we can do better than this. The least we can do for the American people, who are being asked to pay the bill for our extravagence is to postpone our spending bills until we have published these guidelines for all the world to see.

Third, when we breach these guidelines, we should at least have the courage to stand up and admit it to the American people. The proposal I am introducing today is not one of those ambitious freeze proposals that we hear a lot about in the media. Often these proposals make for good reading in the evening paper, but don't work when you place them into the real world.

My bill proposes two very simple improvements in our budget process. They are easy to understand, and they will give that process the accountability that the American people are entitled to.

The first part would simply require the House Appropriations Committee to set spending ceilings for each of their subcommittees and to publish those guidelines for the fiscal year before they can bring any spending bill to the House floor. There is simply no reason why the taxpayers and the American public and the rest of the Congress should be kept ignorant of the subcommittee spending ceilings under which we are operating.

Now, Mr. Speaker, I am well aware that the Appropriations Committee has a very good excuse for not publishing any subcommittee guidelines for fiscal year 1985. The House and Senate budget conferees have failed to agree on an overall spending ceiling for fiscal year 1985. Therefore, the Appropriations Committee has nothing to divide up among its various subcommittees.

My bill would require the Appropriations Committee to go back to the most recently passed overall spending ceiling, and use it as the basis for setting the subcommittee ceilings for the present fiscal year.

In other words, if my bill had been in effect at the first of this year, the Appropriations Committee would not have been allowed to bring any of the spending bills for this fiscal year to the floor until they had gone back and taken the overall spending ceiling which was set for fiscal year 1984, and divided that sum among its various subcommittees. When those individual spending ceilings were published, then they could freely bring the bills to the floor.

Members will notice that the language of my bill requires that the Appropriations Committee set and publish individual subcommittee spending

ceilings based on the most recently passed overall spending ceiling.

Let me take a moment to explain how that would work under our present situation. As I stated earlier, we have already passed 9 of our 13 spending bills even though the subcommittee ceilings have not been published.

Under my bill, we would be presently operating under a set of spending ceilings for the subcommittees which would be based on the overall spending ceiling that was passed for fiscal year 1984.

Now let's assume that the Congress would finally adopt an overall spending ceiling for fiscal year 1985.

At that point, the Appropriations Committee would have to set another set of subcommittee ceilings based on the newly adopted overall spending ceiling. They would take this new ceiling, and subtract the amount that the House has spent up until this time. Then they would divide what is left among the four remaining subcommittees. After these new guidelines are set and published, then we could proceed with the rest of the spending bills.

Mr. Speaker, it is not my intention in this bill to be unreasonably rigid and inflexible. If either chamber wants to waive this requirement, they can do so, but it will take a two-thirds vote to proceed with a spending bill if spending ceilings for the subcommittees have not been set and published.

In my judgment, the first portion of my bill would do two positive things. In the first place, it would give us a clear set of guidelines that we could apply to each and every spending bill that we consider. The American people would also have a clear yardstick to judge us by, and we owe them that.

Second, I think it would bring some badly needed pressure to bear on the budget committees in both bodies to expedite the passage of an overall spending ceiling.

Now, let me move to the second part of my proposal.

Mr. Speaker, it does no good to set up a procedure which requires these subcommittee ceilings to be published before we can consider spending bills unless we also do something to put some teeth into these ceilings.

The rules under which we presently operate allow the Appropriations Committee to ignore the ceilings that they have set for their own subcommittees whenever they want to. They can bring bills to the floor which breach these ceilings, and no other House Member can even raise a point of order to protest this breach.

I think we should change that, and my bill would do so in a simple and straightforward manner.

It simply provides that any Member of the House or Senate can raise and make a point of order any time a spending bill breaches the ceiling which has been published for that subcommittee. Once the point of order has been raised, there would have to a be a vote on whether or not to allow that breach before the spending bill, itself, could be considered.

The benefits which we would derive from this are clear. We could not breach these ceilings without at least standing up in front of the people who have to pay the bills and admitting that we have done so.

Mr. Speaker, I urge my colleagues to support this measure. It is by no means a complete solution. It is not all that we could do or should do.

I would like to see us put an end to these end of the session Christmas tree type bills which tie spending proposals together in politically attractive packages that are so complicated, we often aren't sure what we are approving.

We waste hundreds of hours every year on this floor talking about matters that are of fairly minor importance. Then, at the end of the year, we storm through with a hectic rush of bills which spend huge amounts of money at a pace which is to rapid that Members can barely keep up with what we are doing.

We can do better, and we must do better. Every single dollar that we toss away in Washington has been earned by someone. I sometimes think that we forget that. It isn't monopoly money or some kind of play money, it is the people's money.

These are not dollars that grow on some money tree. They are dollars which are not being used for college educations, mortgage payments, and the thousands of other things that the people who earned them would like to spend them on. They are not being used for these purposes because we have taken them in the form of taxes.

It is there money, it is not our money—and we need to treat it accordingly.

Mr. Speaker, I am not here demagoging this issue. I am trying to be constructive, and take us part of the way toward where we ought to be. I urge my colleagues to support this legislation.

SARAH DOHERTY CONQUERS MOUNT RAINIER, DESPITE HANDICAP

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise to being to the attention of my colleagues the marvelous accomplishment of a former constituent of mine, who, despite an oftentimes totally disabling handicap, literally climbed to heights previously unequaled by a disabled woman. While the Nation sat glued in front of its television set for the past 10 days watching the Olympic games and watching the spectacular achievements of the U.S. teams, I did not want the singular accomplishment of one very remarkable woman to go unnoticed or unheralded.

I salute Sarah Doherty on her accomplishment. But more than just the singular example of reaching the top of Mount Rainier. I salute Sarah for what her accomplishment means to the millions of disabled Americans like Sarah who refuse to recognize the limitation society so often places on them. Sarah has dramatically shown the world that no individual can be defined by a physical handicap.

Sarah Doherty, 24, formerly of Taunton, MA, and now a resident of Seattle, WA, last week became the first woman with only one leg to successfully climb the 14,410-foot Mt. Rainier in Washington. Having lost a leg in an automobile accident 11 years ago, Sarah now works as an occupational therapist in Seattle. As an occupational therapist, Sarah is trained to assist other disabled people in coming to terms with their handicap, and then overcoming what society oftentimes perceives as physically handicapped individual's limitations. Certainly, both in deed and example, Sarah has become a living, walking, and breathing example, of what one person can do through a combination of determination, perseverance, and faith.

REAGAN ADMINISTRATION DEMONSTRATES UNFAIRNESS IN TWO MORE INSTANCES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the President has always had trouble playing fair throughout his whole administration, and now he appears to be doing it one more time—actually two more times.

He is using this rush toward adjournment, in which we are trying to accommodate Republican Members so they can get to the Republican convention, to try to stuff more money in the pipeline for El Salvador, although there is already $50 million there and we do not need any emergency money.

And he is also trying to use the rush to shut off GERALDINE FERRARO's franking privileges so she cannot answer her mail for the next month and a half. The law clearly states that any Member can use their frank outside their district to respond to solicited requests. That is what is happening, and they are saying, no, she can't respond. The law doesn't say the Member can't follow up on the correspondence; it only says the correspondence must be solicited.

However, the Republicans are not changing the banking law for GEORGE BUSH. I think it is time for Republicans to play fair.

Mr. Speaker, if BUSH franks, FERRARO franks. That should be the rule and we should go back to fairness on both sides during the conduct of this campaign.

□ 1020

LET FERRARO USE THE "FRANK"

(Ms. MIKULSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MIKULSKI. Mr. Speaker, last night, I found out that some of my Republican colleagues are once again stooping to low blow politics.

They want to stop GERRY FERRARO from using her franking privileges to respond to thousands of letters she has received from all over the country on her issue positions.

They want to deny the American people the right to get a postcard or letter back from GERRY FERRARO on the questions that they have asked her.

They want to deny the American people the right to know where FERRARO stands on the legislative issues.

We think the American people have a right to know where FERRARO stands on medicare solvency. We happen to think the people have a right to know where GERALDINE FERRARO stands on bringing the human rights around the globe and we think the people have a right to know how GERALDINE FERRARO intends to solve the Federal deficit.

People have a right to know where GERRY FERRARO stands on the issues. GEORGE BUSH can use his frank to respond to letters from around the country.

GERRY FERRARO is now a national leader and she should be able to do the same.

Come on, guys, the people have a right to know. What is good enough for GEORGE should be good enough for GERRY.

COMPARING REPUBLICAN AND DEMOCRATIC COMMITTEE RATIOS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, the members of the minority have used these 1-minute speeches in the past to complain about what they call the unfairness of the ratio of Democrats to Republicans on the various House committees. In other words, the Republicans charge that they are underrepresented on the committees in comparison to the ratio of Republicans to Democrats in this House.

We Democrats are sensitive to fairness. It has long been the linchpin of our political beliefs. Thus, I have just completed a review comparing the present ratios with those in effect when the Republicans were last in a majority in this House.

My analysis clearly demonstrates that when the Republicans were in control, the ratios were nowhere near as fair as they are in this Congress.

Those interested in a detailed look at those ratio comparisons will find them in today's Extensions of Remarks.

The Republicans have been pleading about unfair treatment. It is interesting campaign rhetoric, but the facts prove that during those few times, a third of a century ago, when the Republicans were last in control of this House, they were blatantly unfair concerning committee representation.

DISABILITY BILL UPDATE

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

Mr. PICKLE. Mr. Speaker, as we now rush off for the August recess I ask the Members to remember that our work here is not finished. Particularly, I remind them that when we return, Congress must take action to end the chaos that has befallen our Social Security Disability Insurance Program.

The conferees for the disability reform bill have not reached any final agreement. We have made some progress, but we are hung up primarily on the question of medical improvement and administrative acquiescence to Federal court decisions.

Mr. Speaker, I am afraid that the Social Security disability bill has become a forgotten stepchild. It is being forced to take a backseat while we take care of everyone else.

But while we delay, the disability program is suffering. It is no longer a national program controlled by the Congress. Today it is being run by the courts and the States. Unless we enact this disability bill the entire disability insurance program will come tumbling down on our shoulders.

Under the present policies of the administration the program has become a national scandal of tragic proportions.

By reason of Federal court order or State executive action, some 29 States are no longer administering the program in compliance with the guidelines of the Department of Health and Human Services. Over 175,000 cases are now clogging our Federal court dockets, filed by totally disabled beneficiaries who were thrown off the rolls.

The administration's policies are directly responsible for this administrative chaos, judicial abuse, and human misery.

The administration continues to ignore the law as interpreted by our Federal courts and to oppose the legislation we passed by a vote of 410 to 1. Despite our sincere, continuous, and vigorous efforts to reach a compromise, the Senate conferees remain intransigent in their support of this administration's policies. At a time when both the administration and the Senate are clamoring for new and higher benefits for our elderly, I would hope they could change their position and accord basic justice to our totally disabled workers.

When we return we must ensure that this does happen. If we fail we will have permitted tragic injustice and we will have little to be proud of when we face the voters in November.

A MOST SUCCESSFUL LAW ENFORCEMENT OPERATION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise today to call special attention to one of the most successful law enforcement operations now in place in the United States.

In the southwestern part of my district, there is a 1-mile stretch of highway connecting the Delaware Memorial Bridge with the New Jersey State Turnpike. For years this stretch has been known as "Cocaine Alley," because it was a major thoroughfare for drug traffickers driving from Florida to the Northeast.

Today, I think it's fair to consider renaming this highway from "Cocaine Alley" to "Jailhouse Road," because prison is exactly where many of these drug traffickers are now winding up.

Under the leadership of Salem County prosecutor Frank Hoerst and New Jersey State Police superintendent, Clinton Pagano, a highly sophisticated program has been set up to intercept these drug smugglers as they cross the bridge. The results of this drug operation have been staggering.

In 1983, the State police seized 80 pounds of cocaine along this highway with a street value of some $3 million. In the first 4 months of 1984 alone, the police have seized a phenomenal 244 pounds of cocaine valued in excess of $9 million, along with increased quantities of marijuana and other drugs.

The New Jersey State Police are now averaging one major bust every other day along Cocaine Alley, and the Salem County prosecutor's office has achieved an incredible 99 percent success rate in prosecuting those persons caught trafficking in drugs.

This isn't a hit or miss operation. It's the result of a sophisticated intelligence operation which combines the resources of the State police and the county prosecutor's office, as well as the FBI, Drug Enforcement Administration, Customs and Immigrations Services and the Internal Revenue Service.

The Salem County drug operation is now regarded as the model program for the entire country in the area of automobile stops. The county prosecutor's office and State police are currently working with law enforcement officials across the Nation to pass along their expertise, so that similar programs can be set up in other States.

Colonel Pagano, Prosecutor Hoerst and the many people working for them deserve full credit for developing and implementing this highly successful law enforcement program. They have made a major contribution to our efforts to stem drug trafficking in the United States, and to get the pushers behind bars where they belong.

STEPHEN J. BOLLINGER (1948-84), ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, I would like to pay special tribute to Mr. Stephen J. Bollinger, a remarkable man whose contributions in the areas of community planning and development affected millions of Americans. I had the pleasure of working with Steve in his capacity as Assistant Secretary for Community Planning and Development at the Department of Housing and Urban Development. He distinguished himself in that post by his leadership, hard work, enthusiasm, and his humor.

Steve Bollinger leaves a legacy in communities across this Nation and he will be remembered fondly by his friends, coworkers, and associates. I will remember him for his special way of bringing people together, of inspiring them to the task at hand, and for getting the job done well.

Secretary Samuel R. Pierce's remarks in tribute to Steve have previously been included in the RECORD. At this point, I would like to insert two additional tributes—a letter from the President and the beautiful and moving remarks given by his eight-year-old daughter Megan at the memorial service:

THE WHITE HOUSE,
Washington, June 19, 1984.

Mrs. STEVE BOLLINGER,
Brooklandville, MD.

DEAR LIN: Nancy and I offer our heartfelt sympathy on Steve's death. Although no words are adequate to ease the pain of your loss, the closeness of your family and friends and the nearness of God's loving arms will sustain you at this time of sorrow.

While it isn't given to us to fully understand the portion of sorrow that is meted out to us, we do have the assurance of Our Lord that not even a sparrow can fall without His knowledge and care. We are certain that God is watching over Steve now and that he is in the Lord's safekeeping.

Steve's assistance to the principles and goals of this Administration was invaluable, earning him the admiration of all who knew him. He will be sorely missed.

With our deepest sympathy,

RONALD REAGAN.

Megan Bollinger

My Dad.
Stephen J. Bollinger was my Dad.
I love him very much.
He said when I die don't be sad,
I need to rest anyway.
We are trying to be brave.
He was a great man and I am proud of him.
He always made us laugh.
He was the best Dad in the world.

GEORGE McGOVERN AND RONALD REAGAN: "THE MORE THINGS CHANGE, THE MORE THEY OUGHT TO REMAIN THE SAME" DEPARTMENT

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, I think these comments follow in the line of the more things change, the more they ought to remain the same department.

There is a lot of talk in the press and public of the present economic recovery. The difficulty, of course, is that this recovery is being fueled by red ink and Federal deficits that are at least three times larger than any previous deficit run up in any similar period in our history.

I think we should remember that the American public literally laughed George McGovern off the political stage in 1972 when he proposed to stimulate the economy by simply giving everybody $1,000. How ironic that Ronald Reagan's deficits do the same thing.

If you divide our population of some 200 million into the $200 billion deficit Reaganomics has given us last year, you come out with $1,000 for every man, woman, and child in America.

Ronald Reagan's deficits literally gives everybody $1,000.

In fairness we should at least remember that George McGovern proposed that we give $1,000 to everyone. Ronald Reagan's programs gives $8,000 to some people and only $250 to others. But we shouldn't worry. It's the overall effect that counts in economics and we can expect the same result in the future from both Mr. Reagan's program and Mr. McGovern's proposal.

Except for one thing. At least George McGovern suggested that we do it only once. Ronald Reagan's program has put in place tax and spending programs that produce $200 billion deficits year after year. And the only end in sight is when giving people money that does not exist will bring our economy to a crashing halt. The American public's reaction to Reaganomics should be no different than our reaction was to George McGovern's proposal.

LITTLE LEAGUE WORLD SERIES, ANOTHER GREAT ATHLETIC EVENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, very soon now the Olympics of 1984 will have come to a glorious conclusion with all the dividends of international good will that one would expect of that spectacle, but almost as soon as the last athlete has left the Los Angeles area, there will begin another international sports event in the United States, one that occurs every year and one which has just as much to do with international good will as the Olympiad, which only happens once every 4 years.

□ 1030

I am speaking, of course, of the Little League World Series which takes place every year in Williamsport, PA. At the culmination of a summer full of contests all over the world, in the Far East and the Near East, and in the Middle East and in the Western Hemisphere, and all over the world, young athletes compete for the privilege and the right to come to Williamsport, PA, for the real World Series at hand, because the World Series that takes place in the United States is not international in scope except for Canada.

Here is a grand opportunity for us to reaffirm what we have just learned in the Olympics, that kids and youngsters competing in athletics give us our best hope for understanding among nations.

I salute the authors of the program and those who put it into effect every year in Williamsport.

SECRETARY LEHMAN PROTECTS THE TAXPAYERS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I commend Navy Secretary John Lehman for his new tough policy on defense procurement. After hearing of $500 hammers and $50 bolts, it is good to see that the Secretary of the Navy is doing something to protect the taxpayer.

Secretary Lehman suspended deliveries of both the Phoenix missile and the F/A-18, the tail assemblies of which were found to crack under stress. Then he insisted that all modifications to these systems will have to be made at the contractor's expense. Both suppliers, Hughes and McDonnell Douglas, later agreed to this.

In the face of the relentless Soviet buildup, we cannot afford to field weapons that cannot fully exploit our advantages in technology. Nor can we afford to pay for cost overruns, unnecessary spec buying and contractor error or fraud. Secretary Lehman realizes this. It is too bad few others in the Defense Department seem to.

PATRIOTIC SPIRIT AT THE OLYMPICS

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, 2 weeks ago tomorrow I had the opportunity to attend the opening ceremonies at the Olympics in Los Angeles. I have attended many outstanding patriotic programs and religious pageants, including the Passion Play, but I have never participated in a more moving event.

I was thrilled to see Rafer Johnson light the Olympic torch, to see the flags of all the countries in the stands and to watch the fine athletes enter the stadium. It was especially gratifying when the crowd gave a hearty welcome, especially to China, to Yugoslavia, and to Romania.

Peter Uberoth and his committee, the city of Los Angeles, and the thousands of volunteers are to be congratulated.

On a personal note, I was also very pleased to see my wife's second cousin, Peter Vidmar, win two gold medals and one silver medal in gymnastics and I congratulate him.

CONGRATULATIONS, BOBBY WEAVER, GOLD MEDALIST

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, the city of Easton, PA, in the great Lehigh Valley of Pennsylvania, my congressional district, is home to yet a new world champion. You have all heard of Larry Holmes, the world heavyweight champion. He's from Easton. We now have world champion Bobby Weaver, the 105-pound freestyle champion Olympic gold medalist.

Bobby Weaver now lives with his wife and child in Bethlehem, PA. He grew up in Easton and went to high school at Easton High where he was an outstanding wrestler. His family lives in Easton. He was a star wrestler at Blair Academy and then at Lehigh University in Bethlehem, PA. He is a four-time AAU champion.

Bobby Weaver represents the new Easton, PA. Yes; we have had problems. But by the skill and energy and hard work of the citizens of Easton, the city is on the move and no better representation of Easton is evident today than the 105-pound gold medalist at the Olympics, Bobby Weaver.

I had the pleasure of seeing his great victory by a pin over his Japanese opponent in the finals last night. I hope my House colleagues had that same pleasure. I offer my heartiest congratulations to Bobby Weaver and to the members of his family.

MS. FERRARO'S USE OF THE FRANK

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, a few other speakers have complained about the Franking Commission's decision not to grant Ms. FERRARO extra special privilege under her frank. They said that we did not allow her to send a letter or a postcard to people who had written her.

They are wrong.

She can write either a letter or a postcard. But she was greedy. She wanted to spray both letters and postcards all over the United States. In fact, she can do both, but only if her second shot is in a batch of less than 500.

Actually, she was asking for a special privilege, for the ability to double dip into the Treasury to respond twice to letters generated solely because she was seeking another office. Those letters do not really even relate to House service at all.

Most of our constituents believe our franking laws are too loose already. Many of them will see this request as an abuse of an abuse. I personally thought the request was outrageous.

She would be well advised to stop looking for new ways to stretch our laws, and instead get going with the campaign.

MRS. VIRGINIA HUNT BOYD

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, a long-time friend of mine, Mrs. Virginia Hunt Boyd of Mayfield, KY, died last Friday, August 3, at age 50 in Mayfield.

The wife of Curtis James Boyd, this outstanding, highly respected and popular western Kentuckian was considered a super person by those who knew her.

She was not an elected official, not a business or corporate giant, but those of us who knew this very attractive and personable lady realize Virginia Hunt Boyd was special.

Virginia Boyd loved her country, her State, and her hometown.

She was interested in and a supporter of good government and worked diligently for her church, First United Methodist Church of Mayfield. Virginia Boyd's death is a significant loss for my hometown of Mayfield.

In addition to her husband, Virginia Boyd is also survived by her mother, Mrs. Dorothy Hunt of Mayfield; three sons: Curtis James Boyd, Jr., Thomas Jefferson Boyd II, and Herbert Hunt Boyd, of Mayfield; and two brothers, Herbie Hunt and David Hunt, both of Memphis, TN.

My wife Carol and I extend our sympathy to the family of Virginia Hunt Boyd.

AGRICULTURE EXPORT COMMISSION

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I rise today to support the resolution adopted by the House calling for an Agricultural Export Commission. I applaud this action because today we are faced across this great land of ours with the largest trade deficits ever recorded in the history of our country.

Yet agriculture today is falling on its face. We have greater farm credit, greater farm foreclosures, and yet we cannot market our products abroad.

I salute the House action but I say that we must take more steps to resolve our problems in American agriculture today.

On June 7 I called on the White House to establish a White House Conference on International Trade. I think the White House and Congress must work together. We must try to work to resolve the problems we have in international trade and regain the leadership role in international trade just as we lead in the Olympics. We have won the gold and led the world in athletic competition, but the United States must lead the world in international trade if we are to market the quality of life for our children and grandchildren.

We are all concerned about the domestic deficits. I am here to say to my colleagues, just as terrible, just as bad on the economy is the fact we are going to turn into a debtor Nation in less than 6 months. We must do everything possible to increase our foreign exports.

I know my friend from New York disagrees, but I understand we disagree on a lot of things.

THE OPEN GATE

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, Monday, August 6, was a special day for Cobb County, GA. As a result of over 3 years of hard work by the entire community, Cobb County now has a new modern building to serve as a shelter for abused children. This center, known as the Open Gate, is located in the same building with the County Department of Family and Children Services.

Since 1980, there has been an average of 600 cases of child abuse per year reported in Cobb County, GA. Because of child abuse, about 200 children per year are placed in foster homes in Cobb County. Although foster homes are usually available, placing a child in the right home to meet his or her specific needs is difficult. However, as a result of a bold plan and much hard work by the community, Cobb County now has the Open Gate, a center where an abused child can be housed temporarily. The building will be able to provide shelter for up to 12 children and 2 infants. It is staffed by in-house parents with backup parents on weekends. Here the child can receive medical attention from a professional staff that is available and equipped 24 hours a day to meet the needs of children suffering from violence or trauma.

This project was made possible by caring people from all walks of life. Homemakers, attorneys, law enforcement personnel, real estate and insurance executives, elected officials, physicians and businessmen all participated. Groups such as the Junior League played a leading role. And the project would not have been possible were it not for the eight local financial institutions who helped finance the project. No Federal money went into this building. It is owned by a nonprofit corporation. And while we will seek in the future to use every available resource, we can always say that the center was begun as a community project. A community effort to meet a community need.

Mr. Speaker, I want to congratulate all those who contributed their time, efforts and money to the Open Gate, and to ask my colleagues to join with me in pledging their continued support to deal with the very serious problem of child abuse.

CROOKED STATISTICS MAKE SLANTED STORY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Indianapolis Star said on its editorial page last week that last year in this great country of ours: You were officially poor if you were married, had two children, and made just under $200 a week. The Census Bureau supports this claim, adding that the poverty rate rose from 15 percent in 1982 to 15.2 percent in 1983.

The Star pointed out that the Speaker of this House took this information to mean, and I quote him here: "Under Reagan, the poor are getting poorer." It seems, Mr. Speaker, there are those among us who don't want President Reagan reelected.

We shouldn't forget the antipoverty advocates overlook those benefits like Medicare, public housing, school lunches, and food stamps. Consider these and we'll watch the poverty rate drop by 5 percent.

I agree with the Star editorial, poverty groups protest including these benefits as income, and so they are not counted. Multiplying the poor with crooked statistics may be good politics by some standards—but only if you can convince enough people that $200 a week plus these additional benefits is poverty.

□ 1040

APPOINTMENT OF ADDITIONAL CONFEREE ON S. 1841, THE JOINT RESEARCH AND DEVELOPMENT ACT OF 1984

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee to the conference committee on the Senate bill (S. 1841) the Joint Research and Development Act of 1984.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Californiz? The Chair hears none, and without objection, appoints the additional conferee: Mr. GREGG.

There was no objection.

SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 570 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5640).

□ 1042

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5640) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, with Mr. MINISH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, August 9, 1984, an amendment deleting title II had been agreed to.

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—MISCELLANEOUS PROVISIONS

CITIZENS SUITS

SEC. 301. Title I is amended by adding the following new section at the end thereof:

"CITIZENS' SUITS

"SEC. 116. (a) Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

"(1)(A) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any requirement which has become effective pursuant to this Act; or

"(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution who has contributed or who is contributing to the past or present disposal of any hazardous substance or pollutant or contaminant from a facility if such disposal may present an imminent and substantial endangerment to health or the environment; or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred (in the case of an action under paragraph (1)(A)) or in which the disposal occurred (in the case of an action under paragraph (1)(B)). Any action brought under paragraph (2) of this subsection may be brought in the Distict Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such requirement or to order the Administrator to perform such act or duty as the case may be, to immediately restrain any person contributing to the endangerment referred to in paragraph (1)(B), to order such person to take such other action as may be necessary, or both, to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, or to apply any appropriate civil penalties under this Act.

"(b)(1) No action may be commenced under subsection (a)(1) of this section prior to sixty days after the plaintiff has given notice of the violation or disposal (A) to the Administrator; (B) to the State in which the

alleged violation or disposal occurs; and (C) to any alleged violator or person who contributed or is contributing to the disposal.

"(2) No action may be commenced under subparagraph (A) of subsection (a)(1) with respect to any violation referred to in such subparagraph if—

"(A) the Administrator has commenced and is diligently prosecuting an action under section 106 with respect to such violation; or

"(B) the Administrator or the State is taking response action under the section 104 with respect to such violation.

"(3) No action may be commenced under subparagraph (B) of subsection (a)(1) with respect to any endangerment referred to in such subparagraph (B) if—

"(A) the Administrator has commenced and is diligently prosecuting an action under section 106, or under section 7003 of the Solid Waste Disposal Act, with respect to such endangerment;

"(B) the Administrator or the State is taking response action under section 104 with respect to such endangerment; or

"(C) the Administrator has entered into a consent decree under section 106 or 107 pursuant to which any responsible party is taking response action with respect to such endangerment.

"(c) No action may be commenced under paragraph (2) of subsection (a) prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(d) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing is this Act shall restrict or expand any right which any person (or class or persons) may have under any Federal or State statute or common law to seek enforcement of any standard or requirement relating to hazardous substances, or pollutants or contaminants, or to seek any other relief (including relief against the Administrator or a State agency).

"(f) In any action under this section the Administrator, if not a party, may intervene as a matter of right.

"(g)(1) Subparagraph (B) of subsection (a)(1) shall apply to the disposal of a pollutant or contaminant only if the pollutant or contaminant has been specifically identified by the Administrator in a response action under this Act at such facility or at any other facility.

"(2) Following each response action at a facility under this Act, the Administrator shall specifically identify the pollutants and contaminants with respect to which the action was taken.

"(3) It shall be an affirmative defense in an action under subparagraph (B) of subsection (a)(1) if the defendant establishes by a preponderance of the evidence that the disposal referred to in such subparagraph (B) was a federally permitted release as defined in section 101(10) (except that for purposes of this section, the phrase 'permit application' in subparagraph (C) shall not apply).

"(h) As used in this Act, the term 'disposal' means the discharge, deposit, injection, dumping, spilling, leaking, treating, storing, or placing of any hazardous substance or pollutant or contaminants into or on any land or water, except that such term shall not include any activity referred to in subparagraph (A,) (B), (C) or (D) of section 101(22).".

COMMENCEMENT OF DRILLING FLUIDS, ETC., STUDY

SEC. 302. The Administrator of the Environmental Protection Agency shall commence the study required under section 8002(m) of the Solid Waste Disposal Act not later than six months after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 49, line 1, strike out "Administrator" and substitute "United States".

Page 46, line 15, strike out ", without regard to the amount in controversy or the citizenship of the parties,".

Page 50, after line 5, insert:

TRANSPORTATION OF HAZARDOUS MATERIALS

SEC. 303. Section 306 is amended by inserting "and regulated" after "listed" in each place it appears in subsections (a) and (b).

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, once again, this amendment was suggested by our colleagues on the Judiciary Committee. It is intended to clarify the intent of the legislation that the Attorney General of the United States shall represent the Environmental Protection Agency when the agency brings actions against those who have violated the law. I urge my colleagues to support this helpful clarifying amendment.

I would also like to take this opportunity to clarify another issue which has been raised concerning the standing requirements which apply to title III of the legislation.

There are two basic elements in the concept of standing. The first is rooted in the case and controversy requirement of the Constitution and or course cannot be modified by this or any other legislation.

The second aspect of standing involves considerations regarding the purposes of the legislation at issue which are not necessarily required by the Constitution.

The clear purpose of title III is to permit citizens to bring suits in the capacity of private attorneys general. Two types of suits are permitted: Suits against the Government for failure to fulfill a statutory mandate or requirement and suits against private responsible party to enjoin imminent and substantial endangerment to human health or the environment. Under the legislation, citizens affected by the policies, procedures, regulations or activities covered by the Comprehensive Environmental Response, Compensation and Liability Act, as well as groups or organizations that represent such individuals' general interests and State or local governments would have standing to sue. Under the legislation, injury of a generalized nature, suffered by all or by a large class of persons would create standing to sue.

All of our major Federal environmental laws contain such citizens' suit provisions, which have become an integral part of the enforcement of such important legal requirements. The Superfund law is virtually the only major environmental law which currently omits such provisions.

I urge my colleagues to support the amendments I have offered to improve this significant and necessary title of the legislation.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman.

Can the gentleman tell us whether this has been cleared, this particular amendment, with any of the staff of the House Committee on the Judiciary?

Mr. FLORIO. The answer is yes; that the staff has made these recommendations and in fact it is because of the concerns of some of the Judiciary staff that we made these changes.

Mr. DAUB. Mr. Chairman, would the gentleman yield?

Mr. FLORIO. Certainly.

Mr. DAUB. What is the gentleman trying to accomplish? Since we have not seen this amendment, could we have a little further explanation of what the gentleman is attempting to accomplish?

Mr. FLORIO. Certainly. I regard this as a clarifying amendment. For example, there was some ambiguity as to whether the Attorney General shall continue, as he does now, to represent the EPA when the agency brings actions against those who violated the law.

There is no question in my mind that was no intent to change the litigating responsibility of the Justice Department but in order to make it absolutely clear, these clarifying amendments were incorporated into this amendment in accordance with the concerns of the staff of the Committee on the Judiciary.

Mr. DAUB. I thank the gentleman for his explanation. I do appreciate the effort being made by the language. I want to underscore the fact again we had not seen this amendment; we did not know it was in existence and we wanted to make that point.

Mr. FLORIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there any further debate on the amendment?

The question is on the amendment offered by the gentleman from New Jersey [Mr. FLORIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 45, strike out line 8 and all that follows through page 49, line 24.

Redesignate all succeeding sections accordingly.

Mr. SAWYER. Mr. Chairman, this amendment is to strike out the so-called citizens' action provision of section 301, title III. The citizens' actions or citizens' suits is a misnomer because it does not even require the person to be a citizen. An alien is equally able in that the only designated requirement for standing is person.

This is an innovation in the whole judicial system of the United States. I am aware of no other place in the law either under State law or under Federal law where a person who is not injured, who sustains no injuries, is not even in the proximity, not even in the same State, can bring an action in the status of what we call in law an officious intermedler. Officious intermedlers have normally been condemned in law and given no standing.

Under this section any person who decides that somebody is violating one of the waste disposal laws or that any contamination is resulting, from his action, no matter where, no matter whether he is in any way affected, can go to the district court, in that State, bring a suit to have it stopped if they give the EPA [the Environmental Protection Agency], the State involved and the violator 60 days' notice.

If action is not taken by any one of those receiving notice either because he sees no merit to the claim, the person, can bring a lawsuit, and get whatever remedy can be ordered, either a cleanup order, an injunction order or whatever, and more importantly then, get reasonable attorneys' fees and expert witness fees.

Now, if any of you recall back when a certain New York law firm used to invest in one share of stock of every company on every exchange and then scrutinize the annual reports, ferreting out things on which they thought shareholders' actions could be brought and file a derivative action against the officers and directors. That firm literally made millions of dollars for themselves in the form of reasonable attorney's fees. Fortunately the practice was finally stopped. That is what, we are going to recreate here.

We are offering an open invitation to lawyers from all over the United States to team up with expert witnesses, and notify people all over the country that they are in violation of the laws relating to toxic substances. The expert will ferret out reasons to bring the lawsuit, not because he cares about the violation but there are to be awarded attorney's fees and expert witness fees if he prevails or even substantially prevails.

□ 1050

And do not think you are not creating a brandnew growth industry. I know of no lawsuit where a person who is uninjured, no injury to himself or even in proximity to his property can bring an action to become a self-enforcer of the law. It would be like notifying the Attorney General of the United States that someone is in violation of the law and if the Attorney General, after checking it, does not prosecute, you become a private prosecutor, arrest, indict and prosecute, and send to jail the individual. Nowhere in our law does such exist.

I think this is a horrendous precedent to create in a statute to clean up toxic waste dumps. And I intend, if we get rid of a couple of these anomalies, to vote for the bill.

I cannot tolerate seeing the jurisprudence of the United States damaged by allowing parties who have no interest, and are strictly officious intermeddlers to bring lawsuits to get rewarded with attorney's fees and costs and expert witness fees. I will tell the Members in advance what is going to happen. You are going to create the biggest growth industry you have ever seen. The EPA will be so busy responding to these notices within 60 days it will not have time to do its clean up. You are going to have suits proliferating for the purpose of getting attorney's fees and expert witness fees for people who have no injury or no interest in the matter other than that.

I ask support of the amendment.

Mr. FLORIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is a very important part of this legislation.

First of all, it is virtually identical to language that this House approved in the RCRA bill last November, providing citizens with the opportunity to initiate action to compel the agency to perform responsibilities that the agency is required to perform, but has not performed.

As a practical matter, what we are saying is that in those instances where the agency is not acting, after due notice to act, there should be the right of American citizens to go to court to force that agency to act.

I would suggest to my colleagues that we have good examples of where this right is absolutely required. For example, the national contingency plan, which is in the initial Superfund, was late by a year and the agency only published that plan spelling out standards for cleanup after a lawsuit was brought by citizens.

The national priority list, ranking the hazardous waste sites, was only published a year and a half after due because citizens were able to go to court to force that to happen.

The agency designed to deal with toxic substances [ATSDR] was only created 2 years after it was supposed to be created under the Superfund law, and only after various organizations went to court in order to force the issue.

What we are saying is that this provision is quite similar to what is in every other environmental law, including RCRA, and we think it is so absolutely essential. To strike this provision is to reenforce the tendency of agencies, in this particular case, EPA, to drag their feet and not to go forward in accordance with statutory deadlines.

What we are saying is that there is not any point in putting the deadlines in the bill that we put in 4 years ago, or that we would put in now, if there is no enforcement mechanism. I think the people of this Nation know what has happened to the EPA in the past 3 years and they just say, "We don't care about this congressionally mandated standard or deadline," because nothing happens.

To address this problem, citizens should have the right to go to court, after notice to the agency that they should perform as Congress has told them, to get an order to enforce the requirements of the law.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Michigan.

Mr. SAWYER. I thank the gentleman for yielding.

What you are overlooking is that there are people who are in the proximity who are being damaged or endangered by it who have State court actions available to do something privately. But here, you are giving anybody in the United States the right to start and maintain a suit with no injury or no threat of injury.

Where in the jurisprudence, the entire jurisprudence of the United States do we permit any person, who is not injured or endangered or exposed to an injury, to go into court and get relief? Can the gentleman answer me that, just that one question?

Mr. FLORIO. I will be happy to.

The fact of the matter is that the court suits that have already been undertaken indicate that citizens' suits serve a very useful purpose. And it is appropriate for us to provide a codification of such a right in Superfund so that citizens are able to ensure that

the law is being enforced with respect to the Superfund program. That does not seem to be a radical concept.

The fact of the matter is that Ms. Burford and Ms. Lavelle, simply said, "No; we are not going to abide by the terms of the law." And there was nothing that anyone—any citizen—could do.

My point is that is should be clear and unequivocal that when the Congress says that an agency is required to perform a certain function, within a certain timeframe, that the law should allow citizens to go to court to ensure that the agency carry out its statutory functions.

Mr. SAWYER. If the gentleman will yield further, you might as well give the Attorney General of the United States notice that if he does not prosecute someone then you allow any individual in the country to initiate and conduct a Federal prosecution.

Mr. FLORIO. Reclaiming my time, Mr. Chairman, we are not talking about prosecutorial discretion. We are talking about a statutorily mandated obligation that is not being performed by those that—we assume—have some duty to perform their responsibilities.

Mr. SAWYER. If the gentleman will yield further, the gentleman has not answered the question I asked. Is there any place that the gentleman knows of in the jurisprudence of the United States or of any State where a person who is uninjured, unendangered, and has no interest in the matter, has the right to go into court and enforce something against another person?

Mr. FLORIO. Yes; in the House passed RCRA reauthorization bill, H.R. 2867 there is virtually identical language to this provision providing citizens with the opportunity to compel the clean up of hazardous waste sites where EPA fails to act within a reasonable period of time.

Mr. SAWYER. Only if they are injured. Never, never, anywhere in our jurisprudence do we allow an officious intermeddler to go in and enforce something and collect his attorney's fees and costs.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. FLORIO] has expired.

(By unanimous consent, Mr. FLORIO was allowed to proceed for 1 additional minute.)

Mr. FLORIO. The gentleman is talking about personal injury and compensation. This is not the cause of action.

What we are talking about is the capability of obtaining an order to compel officials to comply with their responsibilities. We are not talking about personal injury awards of damages.

Mr. SAWYER. Well, if the gentleman will yield further, just let me repeat that nowhere in the jurisprudence of this country or of any State does a private individual have a right to go into court and get relief—from what I do not know—against another individual when he has no standing and no injury and no endangerment. Nowhere.

I can assure the gentleman because I just had it checked by the Library of Congress, Law Division, to find out. There is no such action.

To create this kind of an action and to allow attorney's fees and expert witness fees, you are going to induce a plague of entrepreneurious lawyers running all over the country suiting everybody and you will soon bury EPA and States with these 60-day running notices on 2,700 dumps around the country that you are going to create havoc.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I will not use all of my 5 minutes.

I wanted first to associate myself with the point that the gentleman from Michigan [Mr. SAWYER] is making with respect to the absence, to my knowledge, in any of the laws of our country of any other kind of remedy like this or potential for cause of action.

I had the great privilege, while in Nebraska as a lay person in industry, to be appointed by our then Governor in Nebraska and serve on the Environmental Control Board in the State of Nebraska. I had the opportunity to work specifically with RCRA and to learn all about the ins and outs of how it is applied and what cause of actions are about and how we work together in the Government and in business and industry to try to solve these serious problems of toxic waste cleanup of dump sites and the hazards that have been for too long neglected by our country.

I am trying to find a way to support this legislation on final passage. But, indeed, if amendments like the one currently before us are defeated, then it becomes very difficult for me to give my support. Certainly, the gentleman from Michigan was successful in moving this bill forward substantially by his effort yesterday to strike title II. And any other effort to play with that will cause a great number of us to be unable, I know, to support the bill on final passage.

My point on this particular amendment is this: The result will be, if it should become law, that people totally unconnected in other States, let alone a neighbor who lives right next door to a site that is not on the National Priority List, simply filing suit, suing the EPA to get that site on the list.

□ 1100

And what will happen, I submit to my colleagues—well, let me ask you a rhetorical question, to make my point: Why are the environmentalists so intent upon diluting, if you will, polluting, the statutory effort of this country that we will be reducing in fact our efforts to clean up and enforce this very serious situation?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I yield to the gentleman from New Jersey, the major sponsor of this legislation.

Mr. FLORIO. I thank the gentleman for yielding.

The question was asked before as to other provisions in the law that are similar to this. The Federal Water Pollution Control Act, the Safe Drinking Water Act, the Clean Air Act, and the Solid Waste Disposal Act have provisions identical to this.

Mr. DAUB. Would the gentleman say, then, that someone from Iowa can sue in Nebraska in those courts and/or bring a cause of action in the Federal court in Iowa about a problem that exists over in Nebraska?

Mr. FLORIO. We are not talking about State courts. We are talking about Federal courts. The answer is that if in fact EPA has not discharged one of its mandated statutory obligations, the answer is that someone can sue.

Mr. DAUB. The gentleman has made our point, and we appreciate it.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think in the light of this morning's consideration of the bill, H.R. 5640, many of us are looking now very hopefully at a piece of legislation that may indeed be supportable, and we are very happy to see some progress in that direction. I support the amendment that is before the Committee of the Whole at this time because it is one other area in which I maintain a great deal of concern about the bill.

Let me take you back a couple of years to a place called Hamilton, OH, which happens to be my home, and within a couple blocks of my office in Hamilton, OH, is one of the Superfund clean up sites referred to as the Chem-Dyne site, one of the earlier ones to receive priority attention throughout the Nation once the EPA finally got around to starting to operate under the Superfund law. There were a lot of difficulties involved in dealing with that matter. There was a lot of litigation in the State courts involving State government, municipal government; there was a trusteeship established, which was related to a bankruptcy that later occurred; there was a lot of complications. And the lawyers, I suppose, loved it because there was enough money for their fees. But

there was not enough money to clean up a very dangerous situation.

This is my concern about the provision that is in the bill at section 301 providing for the citizen suits. They have proven to be a problem in some areas as well as a blessing. The concept, however, of having somebody interfere with the functioning of Government once you set up a governmental agency like the EPA, to carry out a task in the public interest and to protect the public interest and welfare and health, and then anyone from anywhere can come in and question the judgment of EPA, let us say, as to the priorities of sites on the priority listing, for example, you could have 100 lawsuits going on at the same time questioning whether EPA has appropriately prioritized these various sites, all of which may require attention and immediate attention and be very important but somebody has to prioritize them.

The EPA, the Government, has to take that task upon itself. It cannot perform that task with any number of private citizens who are not even related to the site in any way by way of damages or anything, litigating about it, saying, "You did not do it right, EPA; this site ought to be higher on the list, or that one ought to be lower on the list."

That is no way to govern. It may be the liberal way to govern, but I do not believe it is the way to get anything accomplished. And what we want in the way of cleanup of hazardous waste sites is to get as much progress accomplished as quickly as possible in the cleanup of these sites. Anything less than that is unacceptable.

Everyone who has spoken on this bill has said that, everyone agrees on that; it is unacceptable for us to enact laws that are going to slow down the cleanup of these hazardous waste sites, and I am afraid that is exactly what section 301 will do. The amendment of the gentleman from Michigan [Mr. SAWYER] to strike section 301 from the bill is a very constructive amendment. It would have the effect of allowing the cleanups to proceed in an orderly fashion. But if we here in the Congress create governmental mechanisms and then say we distrust them and we refuse to exercise the oversight that we should be exercising to make sure that they do operate right, and then we turn around and say citizens can bring lawsuits all over the country to do it, we are making a terrible mistake—and we are laughable.

I urge support of the amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think we have here a basic misunderstanding about the language of title III, section 301, and section 116. I would like the committee to understand what is the current law and how the provisions that this amendment would strike might differ from that.

First of all, lines 15 through 20, at page 45 of the bill, are identical to the Federal Water Pollution Control Act, the Clean Air Act and to RCRA and other provisions of Federal environmental and safety laws. That simply says that a person may sue the Administrator of EPA and officers of the United States acting with regard to this statute to require them to carry out requirements of the act. So if there is any objection taken by any Member with regard to this section, the objection is taken rather late. It is a modest section which has been in the law with regard to clean water and clean air, in the case of clean water for almost 12 years and in the case of clean air, for better than 14 years.

Section 116(a)(2) is a similar provision which has been in the law with regard to the Clean Water Act and with regard to the Clean Air Act for approximately the same periods of time that I mentioned before.

With regard to section 116(a)(1)(B), lines 21 and following, on page 46, that is essentially a new section. But it should be observed that this is a very modest section and it permits persons to file suits against the United States and other governmental instrumentalities or agencies only to the extent permitted by the 11th amendment and it permits them to sue operators of dumpsites for clean up but prevail only where it can be established that there is a substantial and imminent endangerment to health or the environment.

Now, I cannot observe why a citizen who might be a neighbor to this facility who might be genuinely concerned about the peril that a dumpsite would impose on him or those who are dear to him, why we should honor an amendment which will strike the ability of that citizen to go in and to address the question in court. The citizen who would go into court under this particular provision must do so to establish that there is an imminent and substantial endangerment to health and environment.

Now, the argument has been made that this would permit a citizen who is some distance off from the site to go in and to complain to the court, and that might very well be a very good point, and I think it is one which should be addressed.

Let us take the Ogallala Aquifer. The Ogallala Aquifer starts somewhere around the Canadian border and flows clear down to the Texas border, a distance of probably 2,000 miles. Pollution which could enter from a source up near the Canadian border could flow through this subsurface river clear down and affect persons in probably seven or eight States. I see no reason why any person in those seven or eight States ought not be able to address the question.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I will, in just 1 minute. I want to make my point here.

Mr. SAWYER. But the gentleman is missing the point.

Mr. DINGELL. Well, all right, I will yield to the gentleman. What is it he wishes to say?

□ 1110

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. SAWYER. I thank the gentleman for yielding.

The person that is on the aquifer, he is in some danger, he is endangered even if he lives three States away. But what about a person who lives in Connecticut in the pollution of the Ogallala Aquifer, which is what you are talking about in this act.

Mr. DINGELL. Let us address that question. The gentleman wants to deal with somebody who is off the aquifer, and who is in Connecticut, complaining about pollution of the Ogallala Aquifer, he ought then craft his amendment to deal with that; he does not.

I am trying to explain why the amendment of the gentleman is bad. Now, the gentleman is a lawyer, he is a member of the Judiciary Committee, he has the respect of everybody, including this particular Member of this body, for his talents and abilities. I think he has the capability of drafting a proper amendment to deal with this.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Let us take another case the gentleman can address. In the area of Riverside, CA, Stringfellow, one of the worst sources of pollution of the kinds that this bill would address, is now polluting the water supply, potentially, of about 500,000 Californians.

Now, the gentleman says somebody not in the immediate environs would be able to go in and complain. That is correct. A guy would not have to be a next door neighbor under the citizens' suit provisions here, to go in and complain about imminent endangerment to the public health. He could be 50 or 100 miles away. One of them might be the President of the United States, whose ranch, I am told, draws water from that particular aquifer.

I simply would observe that the amendment, I am sure, is offered in the best of good faith, but it is not offered on the basis of a really deep and

careful review of the circumstances which have triggered the concerns of the committees which have brought this particular legislation to the House.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. SAWYER. First of all, the gentleman points out the Clean Air Act and the Clean Water Act and says that these provisions have been there for 20 years but you only refer to ones giving suits against the EPA, and nondiscretionary. What you are talking about is a mandamus suit; that has always been available.

Mr. DINGELL. The gentleman is misrepresenting what I have said. I have made it very plain that the provisions with regard to section 116(a)(1)(A) and (2) are something which have been in the law for a long time. I have made the point that the provisions of section 116(a)(1)(B), about which the gentleman is now complaining, are new. But I have pointed out the reasons why those new provisions have validity.

The gentleman complains that somebody from Connecticut can sue over pollution of the Ogallala Aquifer. That may very well be true. I happen to think if the gentleman complains about that, he ought to draft his amendment to deal with that narrow circumstance, instead of waging a full-scale attack.

Let me go a little further and try and respond. The standing under this section, standing to sue, is exactly the same as section 7002 of the Solid Waste Disposal Act, that is RCRA; section 20 of the Toxic Substances Control Act; section 1449 of the Safe Drinking Water Act; section 304 of the Clean Air Act; and also provisions of the Clean Water Act. I just want the gentleman to understand, his complaint, which he makes broadcast against the citizen suit provisions, attacks not only sections which have been in the law for a long time, but a new section which permits a person who can demonstrate imminent and substantial endangerment to the public health and environment. That is why I am constrained to oppose the amendment of the gentleman.

Now, if the gentleman wants to change his amendment to deal with the problem where a person has no standing or no complaint, then I am fully prepared to discuss it with him. But the gentleman's amendment goes to far.

I yield to the gentleman.

Mr. SAWYER. I thank the gentleman for yielding.

What this is doing is creating a cause of action on behalf of someone who is noninjured, who is not threatened with injury, who does not even live in the area. To allow him to collect reasonable attorney's fees and expert witness fees. You are going to have entrepreneurs, lawyers, and expert witnesses deluging EPA with these 60-day notices and starting suits all over the country to collect reasonable attorney's fees and expert witness fees. There is no other standing required.

Mr. DINGELL. The gentleman is a good enough lawyer to have read the law to know that the witness fees and the costs of the litigation and the attorneys fees only come into play if you prevail.

Mr. SAWYER. Or substantially prevail

Mr. DINGELL. No, no, no, no.

Mr. SAWYER. Yes; it says; substantially prevails.

Mr. DINGELL. Prevailing and substantially prevailing, I am not sure what the difference is. Is it like being pregnant or substantially pregnant. I think the practical intent is the same, what that means is you have simply got to get a judgment which would indicate that fault in fact on the part of the defendant was there. The gentleman very well understands this. I think we have to understand that in the case of the Clean Air Act, the Clean Air Act goes significantly beyond the rather modest provisions that are being attacked by the amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. KINDNESS. I thank the gentleman for yielding.

I want to thank the gentleman for the care and precision with which he has delineated his endorsement of the language in lines 15 to 20, subsection 1A and subsection 2, as having been enacted into law previously. The language in lines 12 to 14, I think is what gives us the problem.

I wonder if the gentleman would have any comment as to why, whether, or how there might be affected the words "any person." That is a rather broad concept.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has again expired.

(On request of Mr. DAUB and by unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I again yield to the gentleman.

Mr. KINDNESS. The gentleman was quite correct about the lines to which he referred.

Mr. DINGELL. I am not sure that I have any objection to having any person defined in there. I do not see any objection. That is now in the Clean Air Act; that is now in the other statutes that I have alluded to, and it is a provision which is, I think, one which has worked well.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. DAUB. I thank the gentleman for yielding.

When language in the main committee print is so defective, I would like the gentleman, if I could ask, what your construction would be on this hypothetical: That I work for company A in Connecticut, and I know that company B in California has some toxic waste in a dump site out there. We are both selling the same product. Hypothetically, I want to do economic harm or injury to that company, my competitor, and really hang him up and harass him. Hypothetically, I am not worried about the environment in this case; I am simply, under the definition of what is in the bill unless this amendment carries, able, because of selfish economic reasons, to bring that action and simply tie him up and put him through the hoops.

Mr. DINGELL. Well, I can concede that in theory that event could occur. I would simply observe that the amendment which is crafted here to strike the provisions of the section to which I allude and which the gentleman alludes to, goes well beyond dealing with that particular case. If the gentleman wishes to address that particular question, I would be delighted to support a carefully done and properly drawn amendment.

But I would observe this: If that is a reason for endorsing this, if the hypothetical situation mentioned by my good friend is the basis for endorsing an amendment to strike the entirety of this section, including provisions relating to well-established law that has been on the books for many years, it is really not a justifiable reason.

I would hope that my colleagues, if they are really concerned about this kind of thing, would come forward. The committee will be more than happy to consider amendments which would deal with their specific concerns and prevent the kind of abuse they are talking about.

I do not foresee this kind of thing occurring very often, and I do see that there is a possibility of the court, on its own initiative, addressing that kind of behavior, because the courts not infrequently do so.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. FLORIO. To reinforce the point that the chairman is making, under the hypotheticals that some are suggesting, someone is going to bring a virtually frivolous suit, then they would have no ability, one would

think, to show an imminent and substantial endangerment.

Likewise, if one is going to make the argument that someone else made that well, is someone not going to just do this to incur attorney's fees and costs. Well, as the chairman has indicated, one cannot do that unless one prevails, and substantially prevails, and under the hypothetical the case is virtually frivolous and the plaintiff is not going to prevail. So there really is no inducement.

We can throw all of those arguments out, and it comes down to the point that has been made, that there are some very valuable, remedial actions that can be undertaken, and there have been in the past, under other environmental statutes, to induce officials to do what it is that we, the Congress, say they should have done and have not done.

So I think that the gentleman's point is one that is very valid.

□ 1120

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(On request of Mr. DAUB and by unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DAUB. If the gentleman would be kind enough to yield further, I appreciate the last gentleman's point and I think maybe we all might be at a point where we see some problem with the language, and since there seems to be a concession that there is some defect in the actual language before the House, it would seem most appropriate, indeed, since we are trying to pass this bill, to do a lot of the other good things that are in it, for the gentleman's amendment to be accepted and then an amendment from the committee offered to reinstate in more precise terms this effort that they are undertaking.

Mr. DINGELL. I want to thank the gentleman, but with all respect, I want to differ with him. I would say that we have an excellent bill. If the gentleman wants to perfect it further, the committee would be delighted to consider those things. I would urge the committee to reject the amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, in order to pursue further what we were on a little while ago, the language in the bill allows any person to take these actions. In the Clean Water Act, for example, it is "any citizen," and then "citizen" is defined in subsection (g) thusly:

For the purposes of this section, the term "citizen" means a person or persons having an interest which is or may be adversely affected.

If such language were to be included in section 301 in the introductory language, would that satisfy the gentleman's concerns there?

Mr. DINGELL. If the gentleman would permit, I would observe that our committee does not deal with the Clean Water Act and we are very careful to try and stay out of that particular line of work. It makes the Committee on Public Works unhappy.

Our committee has traditionally drafted this legislation. We have done so in clean air and we have done so in RCRA by dealing with the question of "persons." I do not see that there is a startling difference between person and citizen, excepting insofar as perhaps an alien might find that he was affronted, and I rather think that if an alien is a lawful resident, and the gentleman will remember his views on this matter, he ought to achieve certain basic protections of the laws of the United States and ought not be treated differently.

With regard to person, the gentleman added to that the question of the individual who would litigate showing that they were in some way affected by this matter. I do not have any real objection to considering a properly drawn amendment which would deal with that particular point, but I do not think that is a significant ground for rejecting the language of the committee bill.

Mr. KINDNESS. If the gentleman would yield further, and would perhaps allow me to point out the definition of "person" in the original Superfund legislation, a person means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State or any interstate body.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. DINGELL. Mr. Speaker, I would just observe to the gentleman, I am very willing to consider that. The distinguished chairman of the subcommittee has spoken to me and he is willing to consider that. After we have rejected the amendment, we will be delighted to sit with the gentleman and try and see what we can draft.

Mr. KINDNESS. If that does occur, I really think we ought to proceed to that, because the language of the bill is awfully wide open.

Mr. DINGELL. I have never wanted to give up a fair advantage.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes; I would yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would just, in response to the gentleman's recommendation, say that I would be prepared to accept, in the hope that this amendment will be defeated, language in the general nature of what the gentleman from Ohio has just suggested. I would be pleased to accept that.

Mr. DINGELL. Our staffs would be willing to work with the gentleman to try and achieve that end.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. If I have any time left, I would be delighted to yield to my dear friend, the gentleman from Michigan.

Mr. SAWYER. I thank the gentleman for yielding.

Mr. Speaker, can the gentleman state for me precisely what now is the language suggested that he is willing to accept?

Mr. DINGELL. As soon as we have that better nailed down, we will be delighted to, especially after we have defeated this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SAWYER].

The question was taken; and on a division (demanded by Mr. SAWYER) there were—ayes 10, noes 11.

Mr. SAWYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 364]

ANSWERED "PRESENT"—385

Ackerman	Bliley	Carr
Addabbo	Boehlert	Chandler
Akaka	Boggs	Chappell
Albosta	Boland	Chappie
Anderson	Boner	Cheney
Andrews (NC)	Bonior	Clay
Andrews (TX)	Bonker	Clinger
Annunzio	Borski	Coats
Anthony	Bosco	Coelho
Applegate	Boxer	Coleman (MO)
Archer	Breaux	Coleman (TX)
Aspin	Britt	Collins
AuCoin	Broomfield	Conable
Barnard	Brown (CA)	Conte
Barnes	Brown (CO)	Conyers
Bartlett	Broyhill	Cooper
Bates	Bryant	Corcoran
Bedell	Burton (CA)	Coughlin
Bennett	Burton (IN)	Courter
Berman	Byron	Coyne
Bevill	Campbell	Craig
Biaggi	Carney	Crane, Daniel
Bilirakis	Carper	Crane, Philip

Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gramm
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hawkins
Hayes
Hefner
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Petri
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1140

The CHAIRMAN. Three hundred eighty-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan [Mr. SAWYER] for a recorded vote.

Does the gentleman from Michigan insist upon his demand for a recorded vote?

Mr. SAWYER. Yes, Mr. Chairman.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 248, not voting 43, as follows:

[Roll No. 365]

AYES—141

Applegate
Archer
Barnard
Bartlett
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Bosco
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Coats
Conable
Corcoran
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daub
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Erdreich
Erlenborn
Flippo
Foley
Franklin
Frenzel
Gekas
Gingrich
Gradison
Gunderson
Hammerschmidt
Hansen (UT)
Hartnett
Hefner
Hiler
Hillis
Hopkins
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Jones (NC)
Kazen
Kemp
Kindness
Kramer
Latta
Leath
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Luken
Lungren
Mack
Marlenee
Mazzoli
McCain
McCandless
McCollum
Michel
Miller (OH)
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Myers
Nichols
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Paul
Quillen
Ray
Roberts
Robinson
Rogers
Rowland
Rudd
Sawyer
Schaefer
Schulze
Shaw
Shumway
Shuster
Siljander
Sisisky
Skeen
Smith (NE)
Smith, Denny
Smith, Robert
Solomon
Spence
Stangeland
Stenholm
Stratton
Sundquist
Tallon
Tauke
Taylor
Thomas (CA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Whitehurst
Whittaker
Winn
Wylie
Yates
Young (AK)
Young (MO)
Zschau

NOES—248

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Barnes
Bates
Bedell
Bennett
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boxer
Breaux
Britt
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (CA)
English
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gramm
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Harkin
Harrison
Hawkins
Hayes
Hertel
Holt
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Long (LA)
Lowry (WA)
Lundine
MacKay
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCloskey
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Morrison (CT)
Mrazek
Murtha
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Petri
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Roemer
Rose
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Sikorski
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Udall
Vento
Volkmer
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (FL)

NOT VOTING—43

Alexander
Badham
Bateman
Beilenson
Berman
Bethune
Boucher
Brooks
Clarke
Early
Ferraro
Fuqua
Garcia
Gaydos
Gore
Gray
Hall, Sam
Hansen (ID)
Hatcher
Heftel
Hightower
Howard
Lewis (CA)
Lipinski
Long (MD)
Lowery (CA)
Lujan
Marriott
Martin (NC)
McCurdy
McEwen
Neal
Pritchard
Pursell
Shannon
Shelby
Simon
Snyder
Towns
Traxler
Waxman
Wilson
Wright

□ 1150

The clerk announced the following pairs:

On this note:

Mr. Snyder for, with Mr. Howard against.

Mr. Lewis of California for, with Mr. Fuqua against.

Mr. McEwen for, with Mr. Garcia against.

Mr. Badham for, with Mr. Towns against.

Mr. KASICH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 46, after line 7, insert: "For purposes of this section, only a person who has an interest which is or may be adversely affected may bring action under subsection (a)(1)(B).".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, this amendment is offered in the spirit of compromise. I would like to pay recognition to the gentleman from Michigan [Mr. SAWYER] and the others who have assisted us in drafting this amendment which will limit the authority of this section 116(a)(1)(B) in order to deal with the concerns that some had expressed about the hypothetically disinterested persons. The language is fairly clear and provides that only a person who has an interest in or may be adversely affected, may bring an action under this provision.

Mr. DAUB. Will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from Nebraska.

Mr. DAUB. I appreciate the gentleman offering this amendment. It is as the distinguished chairman of the subcommittee, the gentleman from New Jersey, Mr. FLORIO, said, an effort to take the point that was raised by the Sawyer amendment. He must be given high marks in the same spirit and within the same kind of logic in which he was successful in offering the same motion yesterday to strike title II, to be sure we tightened down the language of what the words "any person" currently means, as they may be subject to suit by someone not connected or placed at risk or endangered by various kinds of damages that could flow from a toxic waste dump site.

So I would like the gentleman to yield, if he would, to the gentleman from Michigan, Mr. DINGELL, for the purposes of a question. Would the gentleman from Michigan, who very much helped us to frame this compromise, answer this question: With respect to section A, do you see some need in conference to take a good look at the words "any person" to avoid the construction that another agency of Government, not connected to the purposes of the Superfund, may be at risk in terms of someone not connected filing a suit?

Mr. DINGELL. Will the gentleman yield?

Mr. FLORIO. I am happy to yield.

Mr. DINGELL. We will take a careful look at that matter when we go to conference.

Mr. DAUB. I thank the gentleman.

Mr. SHAW. Will the gentleman yield?

Mr. FLORIO. I am happy to yield.

Mr. SHAW. I would like to compliment the gentleman from New Jersey for his hard work in bringing this particular bill to the floor. I think one thing, though, that is obvious to many of the Members is that there are some problems in this bill. I think many of the problems could have been avoided had this bill gone to the Judiciary Committee. Instead, we find ourselves making changes here on the floor that should have been and could very well have been accomplished in the Judiciary Committee.

I would like to compliment you for recognizing the problem which has been brought to us by the gentleman from Michigan, Mr. SAWYER, and express my personal appreciation on behalf of the people of south Florida for working out a compromise on a most important bill. I think it is a bill in itself that, if we can clean up a few other provisions, will make a very important piece of legislation for the entire country.

Mr. FLORIO. I thank the gentleman.

Mr. DAUB. Will the gentleman yield one more time?

Mr. FLORIO. I am happy to yield.

Mr. DAUB. I want also to add for purposes of legislative intent, if I might, that our effort in accepting this amendment goes to tightening down the intent, that it is not just any intent in section B. We are talking about establishing a direct relationship with the danger or the endangerment. It is not just anyone with an unconnected interest.

Mr. DINGELL. Will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. I just wanted to say to my colleagues on the Republican side, the gentleman from Ohio [Mr. KINDNESS], the gentleman from Nebraska [Mr. DAUB], and of course my good friend from Michigan [Mr. SAWYER], that they have all proceeded in a very gentlemanly way, and I want to commend them for their fine participation in working out a compromise which I believe benefits the bill.

Mr. DAUB. Could I get an answer to my question? I would like to get an answer for the RECORD to my question. Is that not what we are trying to do?

Mr. FLORIO. What we are attempting to do is provide the opportunity for individuals who can show an imminent and substantial endangerment to have the opportunity to compel the cleanup of a site.

Mr. DAUB. I thank the gentleman.

Mr. SAWYER. Will the gentleman yield?

Mr. FLORIO. I am happy to yield.

Mr. SAWYER. In response to the gentleman from Michigan, Mr. DINGELL, I just want to say it was a pleasure dealing with such a reasonable negotiator. I certainly appreciate his cooperativeness in accepting a change that I think cures a large part of the problem that concerned me about that so-called citizens action, and I thank the gentleman for yielding.

Mr. KINDNESS. Will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I just want to express my thanks to the gentleman from New Jersey for dealing with this matter in the way it was accomplished, and the gentleman from Michigan, Mr. DINGELL, has been very helpful in working it out. I think we have done a constructive change here which will really help the bill to be a lot more acceptable to others, and I appreciate the cooperation of the gentlemen on that side.

Mr. FLORIO. I thank the gentleman very much and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FLORIO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DAUB. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 0, not voting 41, as follows:

[Roll No. 366]

AYES—391

Ackerman	Bereuter	Brown (CA)
Addabbo	Berman	Brown (CO)
Akaka	Bevill	Broyhill
Albosta	Biaggi	Bryant
Anderson	Bilirakis	Burton (CA)
Andrews (NC)	Bliley	Burton (IN)
Andrews (TX)	Boehlert	Byron
Annunzio	Boggs	Campbell
Anthony	Boland	Carney
Applegate	Boner	Carper
Archer	Bonior	Carr
Aspin	Bonker	Chandler
AuCoin	Borski	Chappell
Barnard	Bosco	Chappie
Barnes	Boucher	Cheney
Bartlett	Boxer	Clay
Bates	Breaux	Clinger
Bedell	Britt	Coats
Bennett	Broomfield	Coleman (MO)

Coleman (TX)	Hightower	Mrazek
Collins	Hiler	Murphy
Conable	Hillis	Murtha
Conte	Holt	Myers
Conyers	Hopkins	Natcher
Cooper	Horton	Nelson
Coughlin	Hoyer	Nichols
Courter	Hubbard	Nielson
Coyne	Huckaby	Nowak
Craig	Hughes	O'Brien
Crane, Daniel	Hunter	Oakar
Crane, Philip	Hutto	Oberstar
Crockett	Ireland	Obey
D'Amours	Jacobs	Olin
Daniel	Jenkins	Ortiz
Dannemeyer	Johnson	Ottinger
Darden	Jones (NC)	Owens
Daschle	Jones (OK)	Oxley
Daub	Jones (TN)	Packard
Davis	Kaptur	Panetta
de la Garza	Kasich	Parris
Dellums	Kastenmeier	Pashayan
Derrick	Kazen	Patman
DeWine	Kemp	Patterson
Dickinson	Kennelly	Pease
Dicks	Kildee	Penny
Dingell	Kindness	Pepper
Dixon	Kleczka	Petri
Donnelly	Kogovsek	Pickle
Dorgan	Kolter	Porter
Dowdy	Kostmayer	Price
Downey	Kramer	Quillen
Dreier	LaFalce	Rahall
Duncan	Lagomarsino	Rangel
Durbin	Lantos	Ratchford
Dwyer	Latta	Ray
Dymally	Leach	Regula
Dyson	Leath	Reid
Eckart	Lehman (CA)	Richardson
Edgar	Lehman (FL)	Ridge
Edwards (AL)	Leland	Rinaldo
Edwards (CA)	Lent	Ritter
Edwards (OK)	Levin	Roberts
Emerson	Levine	Robinson
English	Levitas	Rodino
Erdreich	Lewis (CA)	Roe
Erlenborn	Lewis (FL)	Roemer
Evans (IA)	Livingston	Rogers
Evans (IL)	Lloyd	Rose
Fascell	Loeffler	Rostenkowski
Fazio	Long (LA)	Roth
Feighan	Long (MD)	Roukema
Fiedler	Lott	Rowland
Fields	Lowry (WA)	Roybal
Fish	Lujan	Rudd
Flippo	Luken	Russo
Florio	Lundine	Sabo
Foglietta	Lungren	Savage
Foley	Mack	Sawyer
Ford (MI)	MacKay	Schaefer
Ford (TN)	Madigan	Scheuer
Fowler	Markey	Schneider
Frank	Marlenee	Schroeder
Franklin	Martin (IL)	Schulze
Frenzel	Martin (NY)	Schumer
Frost	Martinez	Seiberling
Gaydos	Matsui	Sensenbrenner
Gejdenson	Mavroules	Sharp
Gekas	Mazzoli	Shaw
Gephardt	McCain	Shumway
Gilman	McCandless	Shuster
Gingrich	McCloskey	Sikorski
Glickman	McCollum	Siljander
Gonzalez	McDade	Sisisky
Goodling	McGrath	Skeen
Gore	McHugh	Skelton
Gradison	McKernan	Slattery
Gramm	McKinney	Smith (FL)
Green	McNulty	Smith (IA)
Gregg	Mica	Smith (NE)
Guarini	Michel	Smith (NJ)
Gunderson	Mikulski	Smith, Denny
Hall (IN)	Miller (CA)	Smith, Robert
Hall (OH)	Miller (OH)	Snowe
Hall, Ralph	Mineta	Solarz
Hamilton	Minish	Solomon
Hammerschmidt	Mitchell	Spence
Hance	Moakley	Spratt
Hansen (UT)	Molinari	St Germain
Harkin	Mollohan	Staggers
Harrison	Montgomery	Stangeland
Hartnett	Moody	Stark
Hawkins	Moore	Stenholm
Hayes	Moorhead	Stokes
Hefner	Morrison (CT)	Stratton
Hertel	Morrison (WA)	Studds
Stump	Vento	Winn
Sundquist	Volkmer	Wirth
Swift	Vucanovich	Wise
Synar	Walgren	Wolf
Tallon	Walker	Wolpe
Tauke	Watkins	Wortley
Tauzin	Weaver	Wyden
Taylor	Weber	Wylie
Thomas (CA)	Weiss	Yates
Thomas (GA)	Wheat	Yatron
Torres	Whitehurst	Young (AK)
Torricelli	Whitley	Young (FL)
Udall	Whittaker	Young (MO)
Valentine	Whitten	Zschau
Vander Jagt	Williams (MT)	
Vandergriff	Williams (OH)	

NOT VOTING—41

Alexander	Gray	Neal
Badham	Hall, Sam	Paul
Bateman	Hansen (ID)	Pritchard
Beilenson	Hatcher	Pursell
Bethune	Heftel	Shannon
Brooks	Howard	Shelby
Clarke	Hyde	Simon
Coelho	Jeffords	Snyder
Corcoran	Lipinski	Towns
Early	Lowery (CA)	Traxler
Ferraro	Marriott	Waxman
Fuqua	Martin (NC)	Wilson
Garcia	McCurdy	Wright
Gibbons	McEwen	

□ 1210

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. MOLINARI

Mr. MOLINARI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOLINARI: Page 50, after line 5, insert:

NOTICE BY FEDERAL AGENCIES

SEC. 303. Section 107(g) is amended by inserting "(1)" after "(g)" and by adding the following new paragraph at the end thereof:

"(2)(A) After the effective date of regulations under this paragraph, whenever any agency or instrumentality of the United States enters into any contract for the sale of real property which is owned by the United States and on which any Federally regulated hazardous waste was disposed of or stored for one year or more, the head of such agency or instrumentality shall include in such contract notice of the type and quantity of such hazardous waste and notice of the time at which such storage, or disposal took place. Such notice shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the date of the enactment of this paragraph, and after consultation with the Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this section.

"(B) In the case of any real property owned by the United States on which any hazardous waste was stored for one year or more or disposed of, each deed entered into for the transfer of such property by the United States to any other person or entity shall contain a convenant warranting that all remedial action necessary to protect human health and the environment with respect to any such waste remaining on the property has been taken prior to the date of such transfer.

"(C) As used in this paragraph, the term 'Federally regulated hazardous waste' means any hazardous waste (within the meaning of section 3001 of the Solid Waste Disposal Act) which is—

"(i) listed or identified under section 3001 of the Solid Waste Disposal Act; and

"(ii) required to be treated, stored, or disposed of in a facility which is operating pursuant to a permit issued under section 3005 of such Act (or pursuant to interim status under section 3005(e) of such Act).".

Make the necessary conforming changes in the table of contents.

Mr. MOLINARI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

● Mr. MOLINARI. Mr. Speaker, as we now know, one of the biggest generators of hazardous waste is the Federal Government. An inventory conducted by the EPA, under the auspices of Superfund, identified 517 Federal facilities as potential uncontrollable hazardous waste sites. It has been estimated that if Federal facilities were included in the national priorities list, out of the top 100 sites on that list, 40 would be owned by the Federal Govenment. The major portion of these federal sites are owned and operated by DOD and exempt from EPA oversight.

The President has recently issued an Executive order directing Federal holding agencies to review their property and turn over their surplus to GSA for sale. Due to this initiative, Federal land sales for 1983 totalled $195 million as compared to $82 million in 1982. Anticipated sales for 1984 is about $250 million. The bulk of that real estate comes from DOD: 55 percent of the number of properties and 72 percent of the acreage currently excessed for sale.

My point is, whether or not the Federal property up for sale is owned by DOD, DOE, or another agency, the Government should be absolutely certain that the property poses no risk to the prospective buyer. If the Government has any doubt about the quality of that property, it should not sell the property.

My amendment will mandate that certainty. It will first require a notification in the contract of the type and quantity of any hazardous waste previously stored for 1 year or more, or disposed of on that property. Second, my amendment will require that every deed of sale contain a convenant warranting that all remedial action necessary to protect human health and the environment has been taken prior to the date of transfer.

I believe that these requirements and the potential liability they pose to the Federal Government will operate to ensure responsible management of hazardous wastes on Federal properties. The onus should be on the Feder-

al Government, armed with the mechanisms and expertise necessary to detect contamination, to determine the state of the property prior to its sale and inform a prospective buyer of any possible risks. Certainly an average buyer will not be able to perceive a risk. The buyer may inherit a liability which far exceeds the original price of the property.●

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I think the notification requirements in this amendment are fair, and I would be pleased to accept the amendment.

Mr. MOLINARI. I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, we have also looked this amendment over.

The amendment offered, as I understand it, is simply an attempt to ensure that the Federal Government acts responsibly when it sells or conveys land that has been contaminated by the disposal of hazardous waste.

Mr. MOLINARI. Basically it just does two things. It requires a provision in a contract outlining what hazardous waste activity occurred at that site and the cleanup actions. In the deed there would be a convenant guaranteeing in the future that the Federal Government would back up that cleanup.

Mr. LENT. I thank the gentleman for his amendment.

Mr. MOLINARI. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MOLINARI].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

□ 1220

If there are no further amendments, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—REGULATION OF UNDERGROUND STORAGE TANKS

DEFINITIONS

SEC. 401. For purposes of this title—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

(3) The term "owner or operator" means, when used in connection with an underground storage tank, any person owning or operating such tank.

(4) The term "release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from the underground storage tank into the ground.

(5) The term "hazardous substance" means (A) any substance designated, pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action, pursuant to section 7 of the Toxic Substances Control Act, and (G) any petroleum product or any fraction thereof. The term does not include natural gas, natural gas liquids, propane, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas.

(6) The term "underground storage tank" means any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of hazardous substances if any portion of the tank volume is partially or totally beneath the surface of the ground. Such term does not include—

(A) farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes,

(B) tanks used for storing heating oil for consumptive use on the premises where stored,

(C) residential septic tanks,

(D) pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), or

(E) surface impoundments, pits, ponds, lagoons, or basins.

NOTIFICATION

SEC. 402. (a)(1) Whenever any person has (during the applicable period) supplied any hazardous substance to 100 or more sites at which there is located an underground storage tank which is, or has been used for the storage of any hazardous substance, the person supplying such hazardous substance shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of any tank located at such site which is, or has been used for the storage of any hazardous substance. For purposes of this paragraph, the applicable period shall be the calendar year immediately preceding the calendar year in which this title was enacted.

(2) The Administrator shall promulgate regulations not later than 8 months after the date of the enactment of this title regarding the providing of notice under this section which is sufficient to obtain information concerning underground storage tanks which are, or have been, used for the storage of any hazardous substance and which are not located at a site referred to in paragraph (1). In promulgating such regulations, the Administrator shall take into account the effect on small business.

(3) Notice under paragraph (1) this subsection shall be provided within 12 months after the date of the enactment of this title. Notice under paragraph (2) this subsection shall be provided within 12 months after the promulgation of regulations under paragraph (2).

(4) Notice under paragraph (1) or (6) of this subsection shall specify the age, size, type, location, and uses of such tanks and any current or previous releases and corrective action. In the case of any underground storage tank used for storing any hazardous substance prior to the date of enactment of this title but taken out of operation before such date (but after January 1, 1974), unless the tank has been removed from the ground, notice under paragraph (1) or (2) of this subsection shall specify the date the tank was taken out of operation, the age of the tank on the date taken out of operation, the size, type, and location of the tank, and the type and quantity of substances left stored in such tank on the date taken out of operation.

(5) Notice under this subsection shall not be required in the case of any tank for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1984.

(6) Any owner or operator which installs or brings into use an underground storage tank after the date of the enactment of this Act, shall (within 6 months after such installation or bringing into use) notify the designated State or local agency or department within thirty days of installation or use.

(b)(1) Within ninety days after the enactment of this title, the Governor of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a). If a Governor chooses not to designate a State agency or department or local agencies or departments, the notification under subsection (a) shall be submitted to the Administrator of the United States Environmental Protection Agency.

(2) Within one hundred and eighty days after the enactment of this title, the Administrator, in consultation with State and local officials designated pursuant to subsection (b)(1), shall prescribe in greater detail the form of the notice and the information to be included in the notifications under subsection (a).

(c) If the notification under subsections (a)(1) and (2) are submitted to a designated State or local agency or department, the State shall compile the submitted information into a comprehensive inventory and furnish such inventory to the Administrator within eighteen months after enactment of this title.

RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

SEC. 403. Not later than nine months after the date of the enactment of the Superfund Expansion and Protection Act of 1984, the Administrator shall complete a survey of underground storage tanks used for the storage of hazardous substances. Such survey shall include an assessment of the ages, types, and locations of such tanks (including the climate of the locations), their susceptibility to corrosion, and the relationship between the foregoing factors and the likelihood of releases from underground storage tanks. Not later than twenty-seven months after the date of the enactment of the Superfund Expansion and Protection Act of 1984, the Administrator, after opportunity for public comment, shall promulgate release detection, prevention and correction regulations, applicable to all owners and op-

erators of underground storage tanks used for storing hazardous substances, as may be necessary to protect human health and the environment. The Administrator may conduct any survey necessary for the development of such regulations. Such regulations shall include, but need not be limited to, requirements respecting—

(1) maintaining a leak detection or inventory system and performing tank testing necessary to identify releases of a hazardous substance from the underground storage tank;

(2) maintaining records of any leak detection or inventory system or tank testing;

(3) reporting of any releases of a hazardous substance and corrective action taken in response to a release from an underground storage tank;

(4) standards of performance for new underground storage tanks which shall include, but not be limited to—

(A) design, construction, location and installation requirements adequate to prevent or minimize any release of hazardous substances into the environment;

(B) a requirement that piping systems be equipped with leak detection systems; and

(C) a requirement that each tank be equipped with a leak detection system;

(5) taking corrective action in response to a release or threatened release of a hazardous substance from an underground storage tank as may be necessary to protect human health and the environment;

(6) the closure of tanks in order to prevent any future release of a hazardous substance into the environment; and

(7) maintaining such evidence of financial responsibility as the Administrator determines to be feasible and as may be necessary for taking necessary corrective action and for compensation for bodily injury and property damage to third parties caused by releases of a hazardous substance from an underground storage tank.

The regulations under paragraph (5) shall include testing, where determined appropriate by the Administrator, of drinking water which is potentially contaminated by a release of a hazardous substance from an underground storage tank.

(b) In issuing regulations under this section, the Administrator shall take into consideration factors which affect tank integrity, including climate, soil conditions, hydrogeology, tank type, water table, precipitation, and compatibility of the hazardous substance and the material which the tank is made of.

(c) Until the effective date of the regulations promulgated by the Administrator under subsection (a) and after 180 days after the date of the enactment of this title, no person may install or begin using an underground storage tank for the purpose of storing hazardous substances unless such tank, of either single or double wall construction, is cathodically protected against corrosion, constructed of a noncorrosive material, steel clad with a noncorrosive material which would prevent corrosion for the operational life of the tank, or contained in a manner designed to prevent the release or threatened release of any stored hazardous substance and unless in all cases the material used in the construction or lining of the tank is compatible with the substance to be stored.

APPROVAL OF STATE PROGRAMS

SEC. 404. (a) Any State may submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The State shall demonstrate that the State program is equivalent to the Federal program under section 403 and provides for adequate enforcement of compliance with such requirements. A State's new tank standards shall be no less stringent than the performance standards promulgated by the Administrator pursuant to section 403(a)(4).

(b)(1) Within 120 days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program is equivalent to the Federal program under section 403 and provides for adequate enforcement of compliance with such requirements.

(2) If the Administrator determines that a State program is equivalent to the Federal program under section 403 and provides for adequate enforcement of compliance with such requirements, he shall approve the State program and the State shall have primary enforcement responsibility with respect to requirements related to control of underground storage tanks used to store hazardous substances.

(c) Whenever the Administrator determines after public hearing that a State is not administering and enforcing a program authorized under this title in accordance with the requirements of section 403, he shall so notify the State, and, if appropriate action is not taken within 120 days, the Administrator shall withdraw authorization of such program and enforce the requirements of this title.

INSPECTIONS, MONITORING AND TESTING

SEC. 405. (a) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this title, any owner or operator of an underground storage tank used for storing hazardous substances shall, upon request of any officer, employer or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee or representatives of a State with an approved program, furnish information relating to such tanks or contents and permit such person at all reasonable times to have access to, and to copy all records relating to such tanks and to conduct such monitoring or testing as such officer deems necessary. For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this title, such officers, employees or representatives are authorized—

(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

(2) to inspect and obtain samples from any person of any such hazardous substances and conduct monitoring or testing of the tanks, contents, or surrounding soils. Each such inspection shall be commenced and completed with reasonable promptness.

(b)(1) Any records, reports, or information obtained from any person under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this title, or when relevant in any proceeding under this title.

(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(3) In submitting data under this title, a person required to provide such data may—

(A) designate the data which such person believes is entitled to protection under this subsection, and

(B) submit such designated data separately from other data submitted under this title.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this title shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

FEDERAL ENFORCEMENT

SEC. 406. (a)(1) Except as provided in paragraph (2), whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this title, the Administrator may issue an order requiring compliance immediately or within a specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) In the case of a violation of any requirement of this title where such violation occurs in a State with a program approved under section 404, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section. If the State fails to take appropriate action within 120 days after receipt of such notice, the Administrator shall issue an order under paragraph (1) requiring compliance with such State program.

(3) If such violator fails to comply with the order within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

(b) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) Any order issued under this section shall state with reasonable specificity the nature of the violation and specify a time for compliance and assess a penalty, if any, which the Administrator determines is rea-

sonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

(d)(1) Any owner or operator who knowingly fails to notify, or submits false information, pursuant to section 402(a) shall be subject to a civil penalty not to exceed $25,000 for each tank for which notification is not given or false information submitted.

(2) Any owner or operator of an underground storage tank used for storing a hazardous substance who fails to comply with regulations promulgated by the Administrator under this title or with a State program approved pursuant to section 404, shall be subject to a civil penalty not to exceed $25,000 for each tank and for each day of violation.

(3) Any owner or operator of an underground storage tank used for storing hazardous substances who fails to comply with the provisions of section 403(b) shall be subject to a civil penalty not to exceed $25,000 for each tank and for each day of violation.

FEDERAL FACILITIES

SEC. 407. (a) Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank and used for the purpose of storing hazardous substances, shall be subject to and comply with all Federal, State, interstate, and local requirements, both substantive and procedural respecting construction, installation, operation, testing, corrective action, removal, and closure of underground storage tanks in the same manner, and to the same extent, as any person is subject to such requirements, including payment of reasonable service charges.

(b) Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any injunctive relief under this title. The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with a requirement of this title if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriated funds unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

STATE AUTHORITY

SEC. 408. Nothing in the title shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance respecting underground storage tanks used to store hazardous substances that is more stringent than a regulation, requirement, or standard of performance in effect under this title.

STUDY OF EXEMPTED UNDERGROUND STORAGE TANKS

SEC. 409. Not later than thirty six months after the date of enactment of this title, the Administrator shall complete a study regarding the tanks excluded under section 401(4)(A) and (B). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment. Upon completion of the study, the Administrator shall submit a report to the President and to the Congress containing the results of the study and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this title.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 62, line 11, strike out "Administrator" and substitute "United States".

Page 64, line 23, strike out "State or".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, this is an amendment that is a clarifying amendment that has been suggested again in consultation with the staff of the Committee on the Judiciary. In effect, the amendment makes it clear that the violations of provisions of this legislation by the Federal Government shall be pursued in the Federal courts rather than the State courts. That is all that the amendment does.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, the amendment has been duly noted. It is agreeable to this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FLORIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYNAR: On page 52, beginning at line 9, subparagraph (D) is amended to read as follows:

"(D) pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, as amended, (49 U.S.C. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979, as amended, (49 U.S.C.-2001 et seq.), or"

Mr. SYNAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SYNAR. Mr. Chairman, my amendment is a simple one, which I believe has the support of my distinguished colleagues, the chairman and ranking minority member of the subcommittee.

The amendment simply clarifies the committee's intent to exempt from EPA regulation those oil pipelines which are already regulated by the Transportation Department under the Hazardous Liquid Pipeline Safety Act of 1979.

The legislation itself specifically exempts natural gas pipelines already subject to regulation by DOT under the Natural Gas Pipeline Safety Act of 1968. This amendment will simply add to the statutory language itself a specific exemption for oil pipelines, as the committee intended, and as is confirmed in the committee's report.

I want to assure my colleagues that this amendment in no way allows any regulatory gap to exist. I understand that any natural gas or oil pipeline which is not subject to regulation under either of these two acts will fall within the scope of the underground storage facility provisions of this bill.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, this is essentially a technical amendment. I am pleased to support it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, as I understand it, what the gentleman is saying here is that under title IV pipeline facilities that are already regulated under the Hazardous Liquid Pipeline Safety Act need not be double regulated under the terms of the Superfund legislation.

Mr. SYNAR. That is correct.

Mr. LENT. Mr. Chairman, although I do support this amendment because double regulation would obviously not make any sense, I am troubled by a recent GAO report which revealed that leaks from these supposedly regulated pipelines are both frequent and dangerous, and this is an issue which our committee may need to address in the future. Nevertheless, I am going to be supporting the amendment offered by the gentleman from Oklahoma.

Mr. SYNAR. I thank the gentleman.

Mr. Chairman, I might also mention that I share the gentleman's concern. And, as he knows, there are various committees within Energy and Commerce looking at the present at the implementation of these rules and enforcement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offer my amendment No. 66.

The Clerk read as follows:

Amendment offered by Mr. MINETA: Page 52, line 1, strike out the period and insert in lieu thereof the following:

and any underground pipes connected to any one or combination of tanks which is used to contain an accumulation of hazardous substances and which is above the surface of the ground.".

Page 52, line 13, strike out the period and insert in lieu thereof a comma.

Page 52, after line 13, insert the following:

or any underground pipes connected to any such tank, pipeline, impoundment, pit, pond, lagoon, or basin.

Page 56, line 20, strike out the semicolon and insert in lieu thereof the following:

, including at a minimum a requirement that each tank (other than a storage tank for petroleum, including crude oil or any fraction thereof which is not specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) provide—

(i) a primary level of containment which is impervious to each substance which is to be contained and is not subject to physical or chemical deterioration by any such substance over the useful life of the tank, and

(ii) a secondary level of containment which is not subject to structural weakening as a result of contact with any substance released from the primary level of containment and is capable of storing any such released substance for the maximum period of time anticipated for the recovery of such substance;

Page 58, line 18, strike out "equivalent" and all that follows through the period on line 23 and insert in lieu thereof the following:

no less stringent than the Federal program under section 403 and provides for adequate enforcement of compliance with such requirements.

Page 59, line 1, strike out "equivalent to" and insert in lieu thereof "no less stringent than".

Page 59, line 5, strike out "equivalent to" and insert in lieu thereof "no less stringent than".

Mr. MINETA (during the reading). Mr. Chairman, I ask unamimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MINETA. Mr. Chairman, the amendment I am proposing at this time combines the features of three amendments I have previously discussed offering to title IV. I believe these amendments have wide support, and in order to expedite the proceedings I have combined these amendments into one.

As my colleagues have heard, I am deeply concerned about the problems of leaking underground storage tanks, and in particular those holding toxic or cancer-causing chemicals. I have this concern because there are hundreds of such tanks in my area, and according to one survey more than 80 percent of them are leaking.

Faced with this problem, the fire chiefs of Santa Clara County drafted a model ordinance, which has since been adopted by the county and the cities in my area. This work was also the model for a newly adopted California State law.

The main part of my amendment today is to write into the Superfund law the key provision of that local and State effort; namely, that any underground tank holding toxic chemicals or waste must be a double tank within a tank, that is, an inner tank that actually holds the chemical, and an outer safety tank to hold any leaks.

This amendment applies only to new tanks installed pursuant to regulations to be issued by EPA. This amendment does not, I repeat not, apply to tanks holding gasoline or gasoline products.

We developed this law and it is in effect in Santa Clara County and by the State of California. It is needed at the Federal level and it works in Santa Clara County and in the State of California.

Another part of my amendment would revise the definition of underground tanks and pipes now in H.R. 5640. This amendment would bring within that definition all underground pipes carrying regulated substances, even if the actual tank is above ground.

Most typically, this would be a tank behind a factory or workplace, with underground pipes connecting that pipe to the building itself. Such pipes are often the source of leaks, and we should regulate them regardless of whether the tank itself is above or below ground.

I believe this is largely a technical correction, which is completely consistent with the intent of the bill as it came from committee.

Lastly, my amendment would make absolutely clear that in no circumstances can a State adopt a regulatory program or standard less stringent than the Federal standards. The bill now before us makes clear that States can be more stringent, but I also want to make explicit that they can be no less stringent as well.

I believe this third provision is also largely a technical correction.

In all, this amendment is a balanced package that strengthens and improves an already excellent piece of work. This amendment is supported by the environmental community, and I know of no opposition to it. My colleagues from California Mr. EDWARDS and Mr. ZSCHAU join me in urging support for this amendment and I move its adoption.

Thank you very much.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Nebraska.

Mr. DAUB. Does that as well apply to diesel? Is that included in the exemption for gasoline?

Mr. MINETA. That is correct. Gasoline and gasoline related products.

Mr. DAUB. I thank the gentleman.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Did I understand the gentleman to say that the new tanks to be covered under the legislation would have to be double walled tanks? We had the understanding on this side that the gentleman's amendment dealt with piping that was connected to the tanks and not the tanks themselves. There are many ways to develop safe storage tanks without necessarily going to double walls. Could the gentleman please clarify that point?

Mr. MINETA. The amendment applies to new tanks, not to existing tanks, but to new tanks that are installed pursuant to the new regulations that would be coming from EPA.

Mr. RITTER. If the gentleman will yield further, we on this side of the aisle are not familiar with this amendment, and our understanding was that the gentleman was dealing with piping that was interconnected to the storage tanks themselves.

Again, I reiterate that there are a number of ways to provide safe tank storage that do not necessarily imply double walls. For example, sacrificial corrosion elements that corrode preferentially, as opposed to having the tank corrode, would qualify, I believe, as a safe storage tank.

Now, this is a very technical amendment that the gentleman has addressed here, but it does change the whole philosophy of what we have been trying to do in protecting the health and well being of citizens by regulating underground storage tanks.

Mr. MINETA. Well, let me just reiterate that it was my understanding that there have been discussions at the staff level and that at that level it was clear what the intent of the amendment was and that there was no objection to it. I just note that as an explanatory statement.

Mr. RITTER. It is very different than what our staff had been informed of previously.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Nebraska.

Mr. DAUB. Is this not the amendment that was accepted in Public Works, although it appears the Public Works and Transportation Committee has so far had little impact on this legislation?

Mr. MINETA. Yes, that is correct. This is the same amendment.

Mr. DAUB. It was not adopted by any other committee; is that correct?

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(On request of Mr. RITTER and by unanimous consent, Mr. MINETA was allowed to proceed for 3 additional minutes.)

Mr. DAUB. If the gentleman will continue to yield, this amendment was not accepted or adopted by any of the other committees in the sequential referral; is that correct?

Mr. MINETA. That is correct, because at the time this bill was dealt with by the Energy and Commerce Committee, this amendment was not offered.

Mr. DAUB. We had certainly been very interested in the amendment we thought you were going to offer relative to piping and safety, and that sort of thing, but we had not been on this side aware that this amencment was going to be offered, nor have we seen it here.

□ 1230

Mr. MINETA. What this is is three separate amendments that have been combined into one. Those amendments were the same ones we had at the Public Works and Transportation Committee at the time the first amendment was accepted at the Public Works and Transportation Committee.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. RITTER. We do not have at this desk a copy of this combined amendment. Now I see what is happening. The piping amendment has been put together with the two tank amendments. Your saying that the piping amendment is also encompassed by this particular amendment. This very technical feature was not considered in our entire discussion of this matter in the Energy and Commerce Committee, from where the protection against leaking underground storage tanks emerged.

The gentleman from Ohio [Mr. ECKART] and myself along with the chairman, worked diligently to build this section on protection against leaking underground storage tanks, to build a protection against gasoline, in ground water and as it later came out, hazardous liquids in ground water, but there is no engineering rationale behind mandating from the Federal Government a double-walled tank for certain kinds of waste. It depends also upon the characteristic of the tank, if it is single walled, as to whether or not it is, in its engineering structure and corrosion resistance capable of sustaining the liquids without leakage.

I suggest that the gentleman, if he would consider this, withdraw the amendment at this time, let us talk about it between our respective staffs, and see whether or not we can come to some agreement on the kind of language the gentleman would like to see. I understand his problem in Santa Clara County. I understand the problem of Silicon Valley of exposure to leaks from underground storage tanks, but there is no compelling reason to mandate a double-walled tank.

Mr. MINETA. Well, that is the point of the whole approach here, as we have seen in the county ordinance.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 3 additional minutes.)

Mr. MINETA. Our whole approach in Santa Clara County and I believe in the State of California has been that because of the history of the leaks from these highly corrosive chemicals and toxic materials that even though the tank itself may be penetrated, that there would be the safety of having the outer-wall tank. That this in effect would be a cheaper way to deal with it than to allow something to leak and try to then have remedial action.

I believe that this is the approach that the Public Works Committee dealt with when we were having our discussion under joint referral.

I yield to the gentleman from Pennsylvania.

Mr. RITTER. Those organizations who could financially benefit from an amendment such as this, some 50 organizations, are opposed to the idea of mandating double-wall tanks because the mandate is not technically correct.

Let me just give the gentleman a hypothetical case.

Mr. MINETA. If I could reclaim my time to that extent, I do not understand, when the gentleman says those organizations are opposed, could I ask what organizations are opposed?

Mr. RITTER. As I understand it, the organizations that constitute the storage tank production community do not necessarily feel that this is the way to go. If the gentleman would just yield for a moment.

Mr. MINETA. Again, if I could reclaim my time to be able to respond to that, the amendment is carefully drafted because I believe the organization that the gentleman is referring to does not object to this amendment, and that is why I have specifically put in a provision exempting the petroleum products and petroleum industry.

Mr. RITTER. I am not talking about the petroleum products and the petroleum industry; if the gentleman would yield, one can suggest a hypothetical case where a regular carbon steel tank is surrounded by another carbon steel tank. There is no preferential corrosion paths other than through the tanks themselves and what can happen is a corrosive liquid could perforate one tank and then perforate the next tank. It is not necessarily a solution to the problem of certain corrosive liquids to have two tanks. You may need a special kind of a tank to prevent the corrosion of a certain kind of liquid as found in the Santa Clara County technological environment.

Mr. MINETA. If I might reclaim my time, I am just using our county as an example of the problem that developed, and how that county and that State then responded to the issue.

But I believe that in terms of the problem, it is one that is being replicated across this country, and so, I just cite it as a problem and how it was dealt with in our area. I do not hold this out as just the only place where this is occurring.

Mr. RITTER. Our concern here is we really have not seen the amendment in its entirety. We only saw the part on pipes.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(On request of Mr. ECKART and by unanimous consent, Mr. MINETA was allowed to proceed for 5 additional minutes.)

Mr. MINETA. I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. I thank the gentleman for yielding.

I understand that the staffs are trying to work out a compromise. I was going to suggest to the gentleman that he might want to temporarily withdraw his amendment so that the committee might proceed while the language is being worked out.

Mr. MINETA. Mr. Chairman, given the fact that we are close to finishing title IV, I would like to be protected in terms of being able to offer this amendment, if in case we are not able to resolve the language problems by the time we come to the end of title IV. Is there any way that I might still be protected?

Mr. Chairman, what I will do is to ask unanimous consent than that I be able to offer this amendment at the appropriate time.

The CHAIRMAN. Is the gentleman asking to withdraw the amendment?

Mr. MINETA. I will ask unanimous consent to withdraw the amendment, and ask unanimous consent also to be able to offer the amendment at the appropriate, later time.

The CHAIRMAN. While title IV is pending?

Mr. MINETA. Mr. Chairman, I will withdraw.

My unanimous consent request, and given the fact that I still have some time remaining, will yield to the gentleman from Ohio [Mr. ECKART].

PARLIAMENTARY INQUIRY

Mr. ECKART. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ECKART. Mr. Chairman, I would like to, I do not know if I can do it on the gentleman from California's time, offer an amendment to this amendment. Do I need to see my own recognition for that?

The CHAIRMAN. That is permissible.

Mr. ECKART. Then, Mr. Chairman, I have an amendment to the desk.

The CHAIRMAN. The gentleman has to seek his own time.

Mr. ECKART. I have to seek my own time? Then I will wait until the gentleman concludes to seek my own time.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. DAUB. It sounds to me like we are going to be able to work this out with that opportunity to consider the amendments, so I will not make any further points on the gentleman's amendment unless, I could say, that I do want to, at one point when the amendment to the amendment is disposed of, speak about the issue of the storage of some material that may be toxic but it may not be corrosive, and get further understanding from the gentleman with respect to the exceptions that he has indicated he has in his amendment.

Mr. MINETA. Mr. Chairman, I yield back the balance of my time.

□ 1240

AMENDMENT OFFERED BY MR. ECKART TO THE AMENDMENT OFFERED BY MR. MINETA

Mr. ECKART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKART to the amendment offered by Mr. MINETA: Page 2, line 10, of Mineta amendment after "a secondary level" add "or method".

Mr. ECKART (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. KINDNESS. Mr. Chairman, reserving the right to object, it is very short. Perhaps it could be read.

Mr. ECKART. Mr. Chairman, if the gentleman will allow, I can explain it. I just hastily wrote it. I will read it for the gentleman from Ohio if that is permissible.

Mr. KINDNESS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ECKART. I thank the gentleman from Ohio [Mr. KINDNESS] for allowing this amendment which we hastily worked out to accommodate the gentleman from Pennsylvania's objections.

I would draw your attention to the amendment offered by the gentleman from California [Mr. MINETA] as originally drafted.

Page 2, subparagraph (ii). Under my amendment, that would now read: a secondary level or method of containment which will result in the control of any substance released from the primary level of containment and is capable of storing any such released substance for the maximum period of time anticipated for the recovery of such substance.

The language that I would add would have the effect of establishing an alternative method of containment, but not the mandating of double-walled tanks, which was the point of objection in the earlier colloquy, and still have, however, the assured environmental result of controlling any substance that may have been released from primary containment.

I believe this deals with the environmental objectives of my friend, the gentleman from California, and handles the questions raised by my friends from Nebraska and Pennsylvania.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I would be happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I would just like to reiterate that the second part of the amendment still talks about a secondary level of containment. Just for the legislative history, I would point out that we are in agreement that this does not mandate two tanks.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I yield to my friend, the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his insight and his legislative skill. I think this amendment perfects my objections to where we were headed with the intent of the main amendment. I commend the gentleman and appreciate his effort.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I also want to commend the gentleman from Ohio for offering this amendment to the amendment.

I particularly want to point out that this amendment now provides, as I understand it, that underground pipes that are under connection to the tanks themselves would be covered by this legislation. Is that correct?

Mr. ECKART. That is correct. My amendment to the amendment in no way deals with what appears to be fairly unanimous agreement on dealing with the piping problem, which was overlooked in our subcommittee.

Mr. KENT. I support the amendment to the amendment and urge my colleagues to adopt it.

Mr. GORE. Mr. Chairman, I want to speak in strong support of this amendment, I want to compliment my colleague, the gentleman from California [Mr. MINETA] for his initiative in addressing this matter, and I want to compliment my colleague, the gentleman from Ohio [Mr. ECKART] for his legislative and draftsmanship skills in getting us over the opposition that had developed to one part of the amendment.

Mr. Chairman, I rise in strong support of the amendment

Almost one-half of the population of the United States depends on ground water supplies for drinking water. This is particularly true of individuals living in rural areas such as the residents of the Sixth district of Tennessee, which I represent.

The gentleman from California's [Mr. MINETA] amendment strengthens an already well crafted provision in the bill, title IV, which addresses the growing hazard of ground water contamination from underground storage tanks.

In particular, I would call attention to and support the portion of the gentleman's amendment that would include within the definition of underground pipes and tanks those pipes which run underground, but are connected to above ground tanks containing regulated substances. Only the portion of the pipe that is undergound would be affected by this amendment.

As currently written, title IV only covers underground piping if it is connected to an underground tank. Since it is common to have an above ground tank connected to below ground piping, especially when the fluid is a nonflammable highly toxic chemical of the type that poses a serious health hazard if it contaminates ground water, this additional loophole should be addressed.

I commend my colleague again, and ask for strong support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. ECKART] to the amendment offered by the gentleman from California [Mr. MINETA].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from California [Mr. MINETA], as amended.

The amendment, as amended, was agreed to.

Mr. DAUB. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy briefly with the author of the main amendment now before the body.

I had the opportunity to be involved in private industry before I came to this body, in the livestock feed and manufacturing business, and we would deal with some chemicals that would end up, when combined, in what could be a corrosive form, but when they were separated and held within their tanks above or below ground, were not in a corrosive condition.

I am wondering if the gentleman would agree that, if not in conference, then certainly in the promulgation of the regulations to this particular provision, that flexibility ought to occur with respect to the question of whether or not the storage could lead to corrosion that would lead to the leak, as distinguished from those liquids that are chemicals that could be toxic in other forms when stored?

Mr. MINETA. Mr. Chairman, if the gentleman would yield, I believe addressing that kind of issue ought to be done during the regulatory process before the promulgation of the rules by the EPA, because corrosion is not only from within a cylinder, but it could be, as well, from the outside.

So I think we have to have those kinds of issues addressed at that time by the EPA, and I would hope that is what we could have done.

Mr. DAUB. I want to say to my friend that taking his local ordinance and the work of his State, and bringing very carefully constructed language as a result of those local concerns to this body, to be included in the legislation, is something that the gentleman's constituencies ought to be grateful for, and I commend the gentleman for the effort he is making today.

Mr. MINETA. I thank my friend, the gentleman from Nebraska, for his help in this effort.

The CHAIRMAN. Are there further amendments to title IV?

PARLIAMENTARY INQUIRY

Mr. FLORIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FLORIO. Mr. Chairman, we have now concluded title IV; is that correct?

THE CHAIRMAN. That is correct.

Amendments would still be in order if a new title were defeated.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

Mr. SAWYER. Mr. Chairman, I reserve a point of order against the amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut: page 66, after line 9, insert:

LIABILITY FOR CERTAIN DAMAGES

SEC. 501. (a) If an individual is exposed to a hazardous substance from a facility where disposal of such hazardous substance occurred, the following persons shall be liable to such individual (or his dependent) for damages which are compensable under this section and which are caused by such exposure.

(1) any person who owned or operated the facility at the time of such disposal or thereafter (other than a person who owned or operated the facility only after termination of such exposure);

(2) any person who generated the hazardous substance to which the injury individual was exposed; and

(3) any person who transported such hazardous substance to the facilty where such exposure occurred.

The plaintiff shall have the burden of proving by a preponderance of the evidence that damages were caused by exposure to the hazardous substance. The liability of each person referred to in paragraphs (1) through (3) shall be strict and joint and several.

(b) In any case in which—

(1) more than one person generated a hazardous substance of the type to which an individual was exposed and which caused damages to such individual which are compensable under this section; and

(2) a hazardous substance of that type from each such generator was disposed of at the facility where such individual's exposure occurred.

each such generator shall be liable to such individual (or his dependents) under this section for such damages except for a generator who establishes by a preponderance of the evidence that no hazardous substance generated by him resulted in such exposure.

(c) In any case in which—

(1) more than one percent transported a hazardous substance of the type to which an individual was exposed and which caused damages to such individual which are are compensable under this section; and

(B) a hazardous substance of that type was transported by each such transporter to the facility where such individual's exposure occurred and subsequently disposed of at such facility,

each such transporter shall be liable to such individual (or his dependents) under this section for such damages except for a transporter who establishes by a preponderance of the evidence that no hazardous substance transported by him resulted in such exposure.

(3) if the defendant establishes by a preponderance of the evidence that the defendant's responsibility for the damages is limited, he shall be liable only for the portion of such damages attributed to such defendant.

(d) In an action under this section, any defendant may join other parties in accordance with applicable rules.

(e) Following an adjudication of joint and several liability in an action under this section the court shall apportion damages among parties held jointly and severally liable. In apportioning the damages the court may consider, among other factors—

(1) the amount of hazardous substances involved;

(2) the degree of toxicity of the hazardous substances involved;

(3) the degree of involvement by the parties in the generation, transportation, treatment, storage, or disposal of the hazardous substances, taking into account the characteristics of such hazardous sustances;

(4) the degree of cooperation by the parties with Federal, State, or local officials to prevent any harm to public health or the environment; and

(5) the amount of damages which should justly be attributed to other potentially liable parties who are not, and could not be brought before the court.

(f) There shall be no liability under this section for any defendant in an action under this section who can estalish by a preponderance of the evidence that the exposure to a hazardous substance, or the damage resulting from such exposure, which forms the basis of such action was caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (A) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (B) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing subparagraphs.

There shall be no liability for any transporter referral to in subsection (a)(3) if that transporter establishes by a preponderance of the evidence that he has complied fully with Federal and State laws regarding transportation of hazardous substances.

(g) After adjudication of liability and recovery of damages in any action under this section, any defendant held liable for damages in an action under this section may bring a separate action in the United States district court to require any other person referred to in paragraphs (1), (2), or (3) of subsection (b) to contribute to payment of such damages, except that, if such defendant is held liable (in an action under this section) for damages to any individual who, by reason of subsection (r), may not recover any amount under this action from an employer, employer's insurance carrier, or fellow employee, such defendant may not bring a separate action under this section for contribution against that employer, employer's insurance carrier, or fellow employee.

(h) Toxicological profiles prepared under section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the hazardous substance exposure evaluations prepared under section 104(l) of such Act shall be admissable in evidence in an action under this section.

(i) If a plaintiff who recovers any amount in an action under this section by reason of exposure to a hazardous substance has obtained any emergency relief under section 104(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 by reason of the same exposure, or if the Administator has provided any emergency relocation or provided any alternative drinking water supplies to such plaintiff under any authority of such Act by reason of such exposure, the plaintiff shall be required to reimburse the Hazardous Substance Superfund for any amount reflecting the costs of such relief, relocation, or drinking water supplies which the plaintiff recovered in the action under this section.

(j) Any action under this section may be maintained in the United States district court in which either the plaintiff or defendant resides or in which the defendant's principal place of business is located.

(k) In issuing any final order in any action under this section, the court may award attorneys' fees to the prevailing party and costs of litigation (including expert witness fees) whenever the court determines such award is appropriate. No attorneys' fees shall be collected from recovery of any plaintiff expect pursuant to this subsection.

(l) Nothing in this section shall be construed to preempt, or otherwise affect, any provision of State law regarding liability for damages in connection with any hazardous substance.

(m)(1) No action may be brought by any individual under this section after the end of a three-year period beginning on the later of the following—

(A) the date the individual knew (or reasonably should have known) that the injury, illness, or death or other expense was caused by the hazardous substance concerned; or

(B) the date of the enactment of this Act.

(2) The time limitation described in paragraph (1) shall not begin to run—

(A) against a minor, until that minor reaches eighteen years of age or has had a legal representative appointed; or

(B) against an incompetent individual, until that individual becomes competent or has had a legal representative appointed.

(n) No action may be brought under this section for any damages if such damages were incurred more than 5 years before the date of the enactment of this Act.

(o) No action may be brought by an individual under this section for any damages if, prior to the date of the enactment of this Act, the statute of limitations has expired for any cause of action which (but for such expiration) would have been available to such individual under any other authority of law for recovery of the same damages and if the rights of such individual under such other authority of law (including the applicable statute of limitations) are equivalent to such individual's rights under this section.

(p) The United States shall not be liable for damages under this section, either directly or through indemnification, in any action brought under this section or under section 1346(b) of title 28 of the United States Code. A State or local government shall not be liable under this section in an action brought under this section.

(q) No employee or employee's spouse, dependent, relative, or legal representative who may assert a claim against the employee's employer under a State or Federal worker's compensation law based on the employee's workplace exposure to a hazardous substance shall be entitled to recover any amount under this section from the employee's employer, such employer's insurance carrier or a fellow employee based on that exposure.

(r) No person may bring separate actions in both the courts of any State and the courts of the United States for damages compensable under this section which result from exposure to a hazardous substance.

(s)(1) No individual who has recovered any amount in an action under this section with respect to damages caused by exposure to any hazardous substance shall be prohibited from recovering from the same defendant or defendants an additional amount under this section if—

(A) such individual establishes (in a subsequent action under this section) that—

(i) personal injury, illness, or death which becomes manifest after the prior action was caused by such exposure, and

(ii) such personal injury, illness, or death was not known, and reasonably could not have been known (on the basis of the facts and circumstances regarding the disposal of the hazardous substance concerned) at the time the prior action was brought under this section, and

(B) such individual did not receive damages compensable under this section in anticipation that such personal injury, illness, or death would be discovered.

(2) An individual who previously brought suit in State or Federal court under any other authority of law for damages compensable under this section which were caused by exposure to any hazardous substance may not bring an action under this section for the same damages caused by the same exposure if judgment on the merits was entered or amicable settlement was completed in the prior suit in State or Federal court.

(t) A person liable under this section thereby consents to personal jurisdiction in the district of disposal of the hazardous substance concerned.

(u) For purposes of this section—

(1) The terms "damages compensable under this section" and "damages" mean:

(A) Any medical expenses, rehabilitation costs, or burial expenses due to personal injury, illness, or death.

(B) Any loss of income or profits or any impairment or loss of earning capacity due to personal injury, illness, or death.

(C) Any pain and suffering which results from personal injury, illness, or death.

(D) Any economic loss and any damages to property, including real and signficant diminution in value.

Pain and suffering shall not be treated as damages or damages compensable under this section for an individual to the extent that such pain and suffering results from such individual's fear of experiencing his own physical injury, illness, or death where such individual has not experienced any such physical injury, illness, or death or from such individual's fear of another person's personal injury, illness or death where such other person has not experienced any such physical injury, illness, or death.

(2) The term "medical costs" means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723).

(3) The term "dependent" refers only to the dependent of a deceased individual. Such term means, with respect to such deceased individual, the individual or individuals referred to in section 8110 of title 5 of the United States Code.

(4) The terms "Administrator", act of God", "hazardous substance", and "facility" shall have the same meaning when used in this section as when used in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The term "hazardous substance" also means two or more hazardous substances as defined in the preceding sentence and includes any mixture or combination of hazardous substances as defined in the preceding sentence.

(5) The term "disposal", and related terms such as "disposed of", when used with respect to a hazardous substance, mean the discharge, deposit, injection, dumping, spilling, leaking, storing, treating, or placing of any hazardous substance into or on land or water, except that such terms shall not include activities referred to in subparagraphs (B) through (D) of section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(v) If a hazardous substance which caused the injury was not a hazardous substance at the time a person referred to in paragraph (1) (2) or (3) was involved, there shall be no liability on the part of such person under this section.

Mr. MORRISON of Connecticut (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. SAWYER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk continued to read the amendment.

□ 1250

Mr. FLORIO (during the reading). Mr. Chairman, if I might get the concurrence of the other side, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from Connecticut [Mr. MORRISON] will be recognized for 5 minutes in support of his amendment.

POINT OF ORDER

Mr. SAWYER. Mr. Chairman, I have a point of order on the amendment.

The CHAIRMAN. Does the gentleman reserve a point of order, or does he wish to raise the point of order at this time?

Mr. SAWYER. Mr. Chairman, I have a point of order, and I wish to insist on it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SAWYER. Mr. Chairman, this amendment which is now being offered is not germane to the purpose of

the bill as it now stands, and under Deschler's Procedure, chapter 28, section 1.2, it is the bill, as amended.

The amendment and the bill which it is amending is aimed at cleaning up dumpsites, and this, on the other hand, attempts to create an entirely new Federal action on behalf of persons seeking damages and create various Federal tort liabilities for individuals seeking damages.

Also in considering the point of germaneness of this amendment, the jurisdiction of committees should also be one of the considerations, and obviously this section is exclusively within the jurisdiction of the Committee on the Judiciary. Under section 1.4 of chapter 28 of Deschler's Procedure, that is another consideration.

Mr. Chairman, taking those two together, I think it is perfectly obvious that this is now nongermane to the act as it now stands.

Mr. MORRISON of Connecticut. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MORRISON of Connecticut. Mr. Chairman, this amendment adds a new title to the bill. The amendment is designed to do several things. First, it is designed to protect human health and the environment by establishing liability where improper disposal of hazardous waste has injured an individual. When there is liability, those who are in charge of disposal will do so properly to avoid the liability.

Second, the amendment is designed to provide actual relief where people are harmed by hazardous waste. The amendment builds on the cleanup program we have in place, which is designed to force private parties to pay for the cleanup, and forces the same private parties to pay for the injuries they have caused.

Third, the amendment is designed to recover amounts that have been paid out from Superfund. When there is exposure to a hazardous substance, Superfund will relocate individuals as we have seen in Times Beach, MO. Under this amendment the fund would be reimbursed for that expense from any recovery of a relocated individual from a private party.

The test of germaneness of a new title is whether the amendment is germane to the bill as a whole. The bill in this case has many provisions which accomplish the same purpose as this amendment by the same method.

There is no question that this amendment relates to the subject under consideration. The subject of this bill is hazardous waste, how we deal with it, and the liability of those who have improperly disposed of it. The whole purpose of the Superfund is to clean up hazardous waste sites to eliminate the threat they pose to people and the environment. The bill contains provisions giving individuals the right to go against private parties to ensure safe disposal of waste. Where people are harmed under Superfund, they have a right to get money from the fund to eliminate the harm.

The amendment clearly relates to the same subject. People are being harmed by hazardous waste and we are providing a recourse in this amendment.

The clearest test of germaneness is whether the fundamental purpose of an amendment relates to the fundamental purpose of the bill to which it is offered. Under the precedents, in ruling on this question the Chair must compare the stated purpose of the bill with the purpose of the amendment. (106 CONGRESSIONAL RECORD 5655, 86th Cong., 2d sess., Mar. 15, 1960.)

Section 3 of the bill, the findings and objectives section, states very clearly what the fundamental purpose of the bill is. It says in subsection (5), "establish new Federal liability standards for injuries suffered by exposed individuals." This explicit statement of purpose is demonstrated throughout the bill.

Under title I, under strict, joint and several liability responsible parties will be forced to pay for several kinds of damages to private citizens. Under section 101(23) of CERCLA, responsible parties would be forced to pay for all kinds of damages to the person or property of those affected by hazardous waste. The same kind of relief for individuals would be available under section 112 of the bill, health effects studies.

There should be no question that the fundamental purpose of this amendment is related to the fundamental purpose of the bill.

In order to be germane, an amendment must not only have the same end as the matter sought to be amended, but must contemplate a method of achieving that end that is closely allied to the method encompassed in the bill. (116 CONGRESSIONAL RECORD 28165, 91st Cong., 2d sess., Aug. 11, 1970.) This bill is a very broad and diverse one which seeks to accomplish the goal of cleaning up and regulating hazardous substance in diverse ways. Title I of the bill dramatically restructures the Superfund Program under CERCLA. Title III provides citizens the right to go against the Government and private parties to eliminate hazardous waste problems. Title IV creates a program to control underground tanks containing hazardous substances.

The aim of this amendment is closely allied to the methods of controlling the improper disposal of hazardous waste that are contained in the bill. The bill establishes the liability of polluters for the damage they have caused. This amendment simply expands on the liability of those polluters. There are ample precedents that such an approach is germane. For example, an amendment was held germane which added a new title providing a program to assist public schools in the elimination of racial segregation was held germane to a bill containing diverse titles on the general subject of education, including provisions concerning the implementation of court orders and the use of Federal funds to achieve desegregation. (117 CONGRESSIONAL RECORD 3923-29, 92d Cong., 1st sess., Nov. 4, 1971.)

Mr. Chairman, there should be no question about the germaneness of this amendment. It meets all the tests, and I urge the Chair to rule that it is germane.

Mr. FLORIO. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the essence of germaneness is the fact that the provision in the gentleman's amendment provides for reimbursement back to the fund out of any awards that are granted pursuant to the cause of action so as to reimburse the fund, thereby making the connection clear and unequivocal.

Mr. BROYHILL. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BROYHILL. Mr. Chairman, the gentleman's amendment should be ruled out of order as a nongermane amendment to the bill.

Mr. Chairman, the precedents of the House provide that in determining the issue of germaneness of an amendment, the Chair considers the relationship of the amendment to the bill, as modified by the Committee of the Whole. And that is found in Deschler's chapter 28, section 1.2.

The bill before the committee, H.R. 5640, as amended, makes several amendments to Superfund, which is a program established by the Congress back in 1980 for the cleanup of abandoned toxic waste sites. The bill, as amended, makes several changes in that law to accelerate the cleanup process at these sites. Examples include setting mandatory schedules for the cleanup of these sites and mandatory cleanup standards to be applied by the EPA Administrator in cleaning up these sites.

Thus the fundamental purpose of the bill before the committee is the cleanup of these sites.

Now, the amendment that is offered by the gentleman has a vastly different purpose. It seeks to provide access to the Federal courts by individuals who claim they have been injured as a result of exposure to toxic wastes.

Whether the creation of a new Federal cause of action is a good or bad idea is not relevant for purposes of determining the germaneness of the amendment. Rather, the precedents indicate that germaneness must be determined on the basis of the relationship of the amendment to the bill before the committee.

The creation of a new Federal tort system incorporating the concept of strict joint and several liability is a new concept which the gentleman seeks to add to a bill that does not presently address that issue. As I have already stated, Mr. Chairman, the bill's purpose is to clean up toxic waste sites, not to set up a victim's compensation system.

Finally, Mr. Chairman, the amendment should be ruled out of order as nongermane because it seeks to add a provision to the bill which is within the jurisdiction of the Judiciary Committee, a committee which has had no opportunity to consider this important issue. The precedents of the House provide that in the determining germaneness, committee jurisdiction over the subject matter of an amendment is a relevant test in determining the germaneness of an amendment. That is also found in Deschler's, chapter 28, section 4.1.

Mr. Chairman, this amendment makes fundamental changes in the tort law of this country by creating a Federal cause of action with strict joint and several liability. Such an amendment is clearly within the jurisdiction of the Committee on the Judiciary.

Mr. Chairman, based on this precedent, as well as those I have already cited, the gentleman's amendment should be ruled as nongermane to H.R. 5640.

□ 1300

Mr. KINDNESS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. KINDNESS. Mr. Chairman, I rise in response to a point that has been raised here for the Chair's consideration, that the amendment includes provisions which are related to the general purpose of the bill.

I believe the precedents of the House would establish that where such a tieback is created for the purpose of establishing germaneness, it is the main purpose of the amendment that has to be considered by the Chair in determining whether the amendment is in order. If that is the case here that such language is relied upon is not anything but a burden to the main purpose of the amendment, it appears and that is offered in that form for the purpose of attempting to evade the clear nongermaneness argument related to the committee of jurisdiction.

I think the Committee of the Whole yesterday made a decision about the committee jurisdiction perhaps, but at any rate, I would certainly hope that the Chair today would rule on the basis that the Committee on the Judiciary is the committee that would have jurisdiction over this subject matter.

I would point to the top of page 3 of the amendment, the inserted language here, as an example of why that needs to be done, why we have a committee structure that attempts to deal with some degree of specialization in these various subject areas that are affected, and certainly in this case there is some drafting here that was done quickly, I would say almost irresponsibly, with language resulting from it that is not understandable. It is an illustration of why we must have rules by which we live in this House and committee jurisdiction has something to do with that in this case very importantly.

I think the nongermaneness of this amendment is evident on its face, particularly by looking at the copy that has been presented with its interlineations and marginal entries. That is a very difficult way to attempt to deal with some very complicated subject matter, but it really illustrates how nongermane the amendment is and I would urge that the amendment be ruled out of order.

Mr. ECKART. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. ECKART. Mr. Chairman, one of the fundamental principles by which the Chair is guided is the intent of the committee, properly recited by my friend, the gentleman from Ohio.

I would point out to the Chair that when the amendment offered by my friend, the gentleman from Michigan, was agreed to by the committee, they neglected to strike one of the most fundamental parts of the bill which clearly and most directly delineates the intention of the Committee of the Whole House. That is the findings, and I would draw the attention of the Chair to the findings which have since been approved by the Committee of the Whole relevant to findings numbers 4, 5, and 7, which clearly state the intent of this committee to preserve the right of individuals to seek recovery.

Second, I would draw the attention of the Chair to section 110, 112, and 114, which when interrelated with the basic proposition upon which the bill is based and that is the right to clean up dumps and for the citizens affected through the Federal Government or individually to recoup the costs of that.

I would remind the Chair and my colleagues here that that was the predication upon which the Times Beach cleanup took place and which is preserved intact in the balance of this legislation; so therefore, based on the purposes, the earlier determination of this full committee that it is one of the fundamental purposes of this bill to allow citizens to have the right to recover, we did not amend that, despite the fact that that intention and that opportunity was available, with the health effects study in section 112 pursuing supervisions in earlier sections in title I still remaining, notwithstanding that this is an ancillary cause, I believe the basic thrust is still preserved in the balance of the bill.

This amendment should be in order.

Mr. DAUB. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. DAUB. Mr. Chairman, I have two points that I would like to make to the Chair; first in response to the gentleman who just spoke. The findings section is a technical provision that does not go to the essence of the bill. As a matter of fact, under the rule, you could not have gone back and asserted the deletion of title II to include the findings clause in the first place. That would not have been in order. So the argument is specious.

Now let me make my main point to the Chair with respect to the task of determining whether or not to sustain the point of order of the gentleman from Michigan.

Relative to germaneness, one must take a look at the draft of the proposed text which is before the Committee, and indeed if one recalls the debate on title II, which was stricken, the Parliamentarian will have no doubt clearly in mind that subsection (a) on the first page under 4, that on page 2 of the amendment the addition of the words "except for a generator who establishes by a preponderance of the evidence that no hazardous substance generated by him results in such exposure," that on page 3 much of it including subsection (b) and section (e), that on page 4 of the amendment sections 2, 3, and 4, and indeed section (h) on page 5, particularly with respect to toxicological profiles being admissible, none of these general provisions in this amendment proposed were contained in the same way in title II.

Therefore, I assert that in fact this Committee would have to go back to the Rules Committee to make this effort germane and in order at this point in time.

The CHAIRMAN [Mr. MINISH]. The Chair is prepared to rule.

The test of germaneness of an amendment adding a separate or new title to the bill is its relationship to the portion of the bill read, as perfected by amendments.

The bill title I provides several new uses of the Superfund for removal and remedial actions and titles I, and III of the bill together contemplate in more general terms compensatory forms of relief, either through private suits or under section 101 of CERCLA through a broad definition of remedial actions which under existing law cover potential compensation for relocation cost, to replace drinking water supplies and any emergency assistance under the Disaster Relief Act of 1974.

Title III of the bill has already been broadened by the amendment of the gentleman from New York [Mr. MOLINARI] which relates to deed covenants in surplus property conveyances. Other aspects of the text before the Committee relate to the jurisdiction of other committees.

The Chair might say that even as modified, there are provisions in title 3 that deal with other committee jurisdiction including the Judiciary Committee. As amended there are other provisions in the text before us that deal with other than cleanup issues.

Both the proponents and the opponents of the point of order have made some valid points, but the Chair feels the bill is still broad enough to support the germaneness of the amendment.

The Chair rules that the point of order will be overruled.

Mr. FLORIO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. MINISH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5640) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT ON H.R. 6040, SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 98-979) on the resolution (H. Res. 572) waiving certain points of order against consideration of the conference report and amendments reported from conference in disagreement on the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT ON H.R. 6040, SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That upon the adoption of this resolution it shall be in order, clause 2 of Rule XXVIII to the contrary notwithstanding, to consider the conference report and amendments reported from conference in disagreement on the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LONG] is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the customary 30 minutes to the minority, for purposes of debate only, to the gentleman from Ohio [Mr. LATTA], and pending that, I yield myself such time as I may consume.

□ 1310

Mr. Speaker, House Resolution 572 waives clause 2 of rule XXVIII against consideration of the conference report and amendments reported in disagreement on H.R. 6040, a bill making further supplemental appropriations for fiscal year 1984. Clause 2 of rule XXVIII provides that a conference committee report may not be considered in the House until the third day after that report and the accompanying statement are filed and printed in the CONGRESSIONAL RECORD and 2 hours after the report and statement have been available to Members. Since the conference report on H.R. 6040 was just filed a few hours ago, this rule must be waived to allow consideration of this supplemental appropriations bill today.

Mr. Speaker, I am sure Members are aware of the situation. The House passed H.R. 6040 on August 1. The Senate passed the bill 2 days ago, on August 8, with some 200 amendments, including amendments to add additional funding in fiscal year 1984 for the Government of El Salvador. Because the bill contains additional appropriations for the Food Stamp Program, which will experience a funding shortfall by Labor Day, it is necessary for Congress to act on this legislation prior to recessing for the Republican Convention and the Labor Day district work period.

Late last night, the House-Senate conferees agreed to report back to their respective Houses in partial disagreement, so that the controversial issues involved can be resolved by action of full membership of the House and of the Senate.

This rule simply allows the House to proceed to consideration of this measure, notwithstanding the fact that the conference report has not laid over for 3 days. The consideration of the conference report and amendments in disagreement will proceed under the regular rules of the House. The House will vote first on the conference report and then will dispose of each amendment reported in disagreement by a vote on a motion by the chairman of the Appropriations Committee.

Mr. Speaker, there is no question that the House must resolve the issues involved in this legislation before we recess. This rule allows the House to work its will in a timely fashion. I urge my colleagues to adopt this rule so that we may proceed to the consideration of the conference report on H.R. 6040.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Rules Committee meeting both the chairman and the ranking Republican member of the Committee on Appropriations agreed in requesting this rule. The Rules Committee gave them what they asked.

The rule waives the requirement that conference reports be available for 3 days before being considered on the House floor.

In this case the conferees just worked out this agreement late last night and early this morning.

However, one thing is clear and that is that the conference report is expensive. According to information provided to the Rules Committee this conference agreement provides a total of $5,817,318,000. This is $432,693,600 more than the House-passed version.

Mr. Speaker, the rule merely gives the House the right to consider the bill without the 3-day layover. I support the rule for this reason but certainly will not support the bill itself as the amount provided is excessive. The amounts provided for herein are as follows:

Second supplemental appropriations bill, 1984—selected major items

Food stamps	$700,000,000
Public Law 480	175,000,000
DOD—Operation and maintenance	275,900,000
HUD—Assisted housing	150,000,000
EPA—Superfund	50,000,000
FEMA—Emergency food and shelter	70,000,000
Veterans programs	485,688,000
Loan defaults	(100,000,000)
Compensation and pensions	(284,900,000)
Readjustment benefits	(82,200,000)
Strategic petroleum reserve	459,190,000
Social services block grants	25,000,000
Family social services	60,000,000

Rehabilitation services and handicapped research	34,200,000
Corporation for Public Broadcasting (1984/5/6)	57,500,000
Payment to Civil Service Retirement and Disability Fund	238,081,000
Agency for International Development	195,095,000
Increased pay costs	2,087,932,000
Department of Defense	(1,576,482,000)
Civilian agencies	(511,450,000)
Bill totals:	
House-passed	5,384,624,400
Senate-passed	6,983,228,070
Conference agreement	5,817,318,000
Compared to:	
House-passed	+432,693,600
Senate-passed	−1,165,910,070

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE.]

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise in support of this resolution, which makes in order the consideration of the second supplemental appropriation bill for fiscal 1984.

I hope it is clear to all Members that the only question before the House is: Shall the House consider the supplemental? The rule does not waive points of order or otherwise affect the consideration of the conference report. The rule only waives the 3-day rule so that this conference agreement can come before the House for action.

The conference agreement contains the recommendations of the conferees on 216 individual amendments. The supplemental contains funds for food stamps, veterans' benefits, and pensions, and civil service retirement.

The Food Stamp Program is effectively out of money. There is not enough money to make the allocations to food stamp recipients for the month of September.

The three veterans' programs funded in the bill are very close to running out of money—veterans' compensation and pensions, veterans' readjustment benefits, and the veterans' loan guarantee fund.

And the bill contains funds for the Federal pay raise that went into effect last January, and to pay the civil service retirement and disability fund for the additional personnel benefits that must be paid because of that pay raise, which took effect under existing law.

When we vote on the rule, we are not voting on the supplemental or on any of the individual programs in it. We are simply voting to bring the bill before the House for its consideration.

I will vote "yes" and I urge my colleagues to do likewise.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1437, CALIFORNIA WILDERNESS ACT OF 1983

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 98-980) on the resolution (H. Res. 573) providing for the consideration of the bill (H.R. 1437), the California Wilderness Act of 1983, in the House, without intervening motion, and the Senate amendment thereto, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and amendments reported in disagreement on H.R. 6040, and that I may include extraneous and tabular matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 6040, SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; and pending that request, I ask unanimous consent that such conference report and all amendments in disagreement be considered as having been read.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Pursuant to the unanimous-consent agreement, the conference report is considered as having been read.

(For conference report and statement, see earlier proceedings of the House of today, Friday, Aug. 10, 1984.)

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I present the conference report on the second supplemental appropriation bill. As my colleagues know, the Senate added 216 amendments, increased the amount of appropriations over the House bill by $1,600,000,000. The Senate bill was over the President's request and over the 302 budget allocation.

The conference report we bring you today has corrected much of that. The bill totals are as follows:

President's request	$6,343,780,170
House passed	5,384,624,400
Senate passed	6,983,228,070
Conference agreement	5,817,318,000
Compared to:	
President's request	−526,426,170
House passed	+432,693,600
Senate passed	−1,165,910,070

Mr. Speaker, to reach this agreement we were in session until after midnight last night.

Major items in the bill are:

Food stamps	$700,000,000
Public Law 480	175,000,000
DOD—operation and maintenance	275,900,000
HUD—assisted housing	150,000,000
EPA—Superfund	50,000,000
FEMA—emergency food and shelter	70,000,000
Veterans programs	485,688,000
(Loan defaults)	(100,000,000)
(Compensation and pensions)	(284,900,000)
(Readjustment benefits)	(82,200,000)
Strategic petroleum reserve	459,190,000
Social services block grants	25,000,000
Family social services	60,000,000
Rehabilitation services and handicapped research	34,200,000
Corporation for Public Broadcasting (1984/5/6)	57,500,000
Payment to civil service retirement and disability fund	238,081,000
Agency for International Development	195,095,000
Increased pay costs	2,087,932,000
Department of Defense	(1,576,482,000)
Civilian agencies	(511,450,000)

It is essential that these funds be made available for the remainder of the fiscal year for entitlement programs and others will be exhausted early in September. Here we provide funds until the new fiscal year which begins October 1, 1984.

As this list shows, funds provided here reach every part of the United States and touch the lives of most of our people. As I have pointed out many times, whatever our situation, whatever our debts and obligations, it is imperative that we look after our country, its protection and development—that we look after the well being and health of our people and their education.

In my own area, I point out that we provide for assistance on the gulf coast, provide further study of plans to provide flood protection in the Pearl River Watershed which to a great degree surrounds our State Capital of Jackson.

The conferees included $2,500,000 for economic development activities in my area of Mississippi for the Appalachian Regional Development Programs.

Details in other areas and on other programs will be developed in the discussion and debate.

Mr. Speaker, we have only 18 more working days until October 1, the beginning of the new fiscal year. Many of the programs provided for here will run out of funds early in September; thus it is imperative that we act now.

We bring you a good bill, under the President's request by $526 million, under the Senate bill by $1,165,910,000, and under the section 302(a) allocation.

I urge your support.

□ 1320

Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the conference report on H.R. 6040, the second supplemental appropriations bill for fiscal 1984. The House passed the supplemental on August 1. The Senate followed on August 8, just 2 days ago. We went to conference yesterday, at 5:30 in the afternoon, and finished around midnight.

There were 216 individual Senate amendments. And while there were several difficult issues in the conference, most of the disagreements were settled quickly.

I can say to the House that your conferees did a good job. I can recommend that you support the conference report. There were two areas where we could not agree, but these issues will come up as separate amendments following the vote on the conference report.

However, I know that there will be disagreement with some of the conference agreement. When we bring an appropriation bill to the floor, Members look at the individual items, and I understand that. But I also hope that Members understand the position of the conferees, who must look at the bill as a whole, and who must make compromises with the other body in order to reach agreement in conference.

The conference report totals $5.8 billion in new budget authority. This is $535 million under the committee's allocation of discretionary budget authority, $526 million under the budget, $433 million over the House bill, and $1.2 billion under the Senate bill.

These are the totals. However, if you look within these totals, you will find that we were dealing with four different sets of issues.

First, the bill contains $3.5 billion for payments which are mandatory under existing law: $700 million for food stamps; $285 million for veterans' compensation and pensions; $82 million for veterans readjustment benefits; $100 million for the veterans loan fund; $238 million for civil service retirement; and $2 billion for the costs of the Federal pay raise which went into effect last January.

These mandatory appropriations were not a major issue in conference, but they are part of the bill you will vote on.

Second, the bill contains $1.2 billion for six significant items where the administration had requested funds: Titles I and III of Public Law 480, DOD O&M, the EPA Superfund, the Strategic Petroleum Reserve, Military Construction, the FAA, and the FRA. These items were not a major issue in conference, and the total for the items is now $18 million over the House bill.

Taken together, the mandatory programs and the major programs where the administration has requested funds now total $4.7 billion, or 80 percent of the bill.

Third, the conferees considered $463 million in 11 major programs areas where funds had been added over the budget by the House. The conference agreement reduces these areas by $12 million.

Finally, the conferees considered $557 million in six program areas where funds had been added by the Senate. The conference agreement reduces these items by $202 million.

Mr. Speaker, that is the supplemental. I supported the bill in the House, and I will do so again today, because I believe that most of the funds are necessary and justified.

It is not perfect, but nothing is, at least around here.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Yes, I yield to the gentleman from Virginia.

Mr. WHITEHURST. With respect to last night's conference action on the supplemental appropriations bill for fiscal year 1984, is it true that the conferees were silent on the Lake Gaston pipeline issue?

Mr. CONTE. Yes. Mr. Speaker, the gentleman is absolutely right.

The House report had language, the Senate report did not, and the conference report is silent on the issue.

Mr. WHITEHURST. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, let me explain some of the sections:

ENERGY AND WATER DEVELOPMENT

Mr. Speaker, chapter IV provides supplemental appropriations for energy and water development. There were only a few items in this chapter that generated any controversy. The conferees agreed to accept Senate amendments providing $8 million for a hydroelectric project on the Nanpil River in Ponape, $2 million for flood damages near Mariana, AR, that occurred during May and June 1983, $8.5 million for the acquisition of wildlife mitigation land associated with the Bonneville lock and dam project, language making nonreimbursable some $6 million for the Gila project in Arizona, and language relating to the construction of the Yakima River Basin water enhancement project in the State of Washington.

The statement of managers reiterates the language contained in the House and Senate committee reports relating to a number of projects, including the Revere Beach project in Massachusetts.

One of the more controversial projects discussed by the conferees was the proposed Lake Gaston pipeline to Virginia Beach, VA. The House report had contained language requiring additional studies prior to the construction of this project, while the Senate report had not imposed such requirements. The question of the adequacy of the studies that have already been performed is the subject of litigation between North Carolina and Virginia in Federal court. Because of the pendency of this litigation, the conferees decided to remain silent on this dispute in the conference agreement.

For the Appalachian Regional Development Programs, the conferees agreed to accept the Senate amendment providing $5 million for this purpose. The agreement indicates that $2.5 million of these funds are to be used for activities in Aliceville, AL, located in the district of our distinguished subcommittee chairman, Mr. BEVILL, and $2.5 million to be used in northern Mississippi. In addition, language is contained in the statement of managers indicating that certain funds appropriated in the fiscal year 1985 energy and water development bill for the Appalachian Regional Highway Program are to be used for corridor V, which is primarily in Alabama.

Finally, the conferees agreed to delete a Senate amendment providing $2.1 million in supplemental funding for the Nuclear Regulatory Commission.

HUD-INDEPENDENT AGENCIES

Chapter V contains the recommended levels of funding for the Department of Housing and Urban Development and independent agencies. In the housing area, the managers have agreed to include $150 million for the section 235 Homeownership Assistance Program as it has been restructured in the Housing and Urban-Rural Recovery Act to help low-and moderate-income families achieve homeownership. We have also recommended $500,000 for the Neighborhood Reinvestment Corporation's Baltimore Mutual Housing Demonstration Program.

For the Environmental Protection Agency, the conferees have agreed to

recommend $3 million for research and development; this amount includes $1 million for the establishment of a center for hazardous waste management, and an additional $2 million to complete funding of the Acid Rain National Lake Survey. We have also provided $50 million for the Asbestos School Hazards Abatement Act of 1984. We have included language making these funds available when EPA has developed comprehensive guidelines to classify and evaluate asbestos hazards and appropriate abatement alternatives. I believe that the recommendations made by the conferees represent an important Federal commitment to assist schoolchildren and employees across this country in school districts in which asbestos poses a significant health threat.

We have also provided to EPA $5 million for the design and planning of a wastewater treatment plant in the San Diego area to meet an emergency public health problem.

For the Federal Emergency Management Agency, the managers recommended $70 million for the Emergency Food and Shelter Program. We have recommended $5.25 million for the National Institute of Building Sciences to establish a trust fund, the interest of which will be available when matched by non-Federal contributions for the next 5 years. And, we have provided $1.5 million to the National Science Foundation for the class VI computer which will be acquired by transfer from NASA.

For the veterans loan guarantee fund, we have recommended $100 million to pay for claims by financial institutions for veterans housing loan defaults. We have recommended $284.9 million for veterans compensations and pensions to provide continued income support to more than 4.2 million veterans. For veterans readjustment benefits, we recommended $82.2 million to cover tuition payments and stipends.

INTERIOR AND RELATED AGENCIES

As it left the House, this bill contained some $633 million in fiscal year 1984 program supplementals for the Department of the Interior and related agencies. The other body added $19 million for a variety of programs including $1.7 million for the Bureau of Land Management to construct a replacement warehouse in Alaska; $4.5 million for equalization payments for land exchanges to implement provisions of the Navajo and Hopi Relocation Act; $5.3 million for construction of a Fish and Wildlife Service research and operations vessel; $10 million for public land acquisition in the Atchafalya Basin; and $17 million for the construction of a revetment and breakwater to protect El Morro Castle in Puerto Rico.

Mr. Speaker, we have reached agreement on each of the 36 items which had been in disagreement, and have reported program supplementals totaling $10 million above the Senate-passed levels, and $29 million over the House-passed levels. The $662.8 million recommended in chapter VI would provide funds for fire suppression and firefighting services, unemployment compensation claims for separated agency employees, several high-priority construction projects and land acquisitions, operation of Indian programs and for the development of additional permanent storage capacity for the strategic petroleum reserve.

I am pleased to say that we were able to compromise on a number of items contained within the Fish and Wildlife Service and Department of Energy accounts. The conferees have agreed to delete the Senate's provision of $123,000 in closure costs for the Senecaville and Berkshire National Fish Hatcheries. The Berkshire hatchery has been an integral part of the Connecticut River Atlantic Salmon Restoration Program for over a decade. The kelt reconstitution technology developed at this facility has developed from the point of being purely experimental to what is now the most reliable source of proven, sea-run Atlantic salmon eggs. I am pleased that we have denied the administration's proposal to close this important facility in fiscal year 1984, and that my colleagues in the House have agreed to provide over $100,000 in the fiscal year 1985 Interior bill for continued operation of the Berkshire Hatchery.

I am also particularly pleased by the conference agreement to provide $469.19 million for the strategic petroleum reserve. By providing these funds in the fiscal year 1984 second supplemental, the Congress will ensure that adequate amounts are available for the Department of Energy to make contract awards for major construction projects in a timely manner during the development of phase III storage capacity.

Of the $662.8 million recommended in this chapter, the managers have agreed to provide $6.05 million over the House-passed level for the Bureau of Land Management. Of this amount, $181,000 is to reimburse the State of California for firefighting expenses incurred in previous years; $1.37 million to construct a replacement warehouse facility in Fairbanks, AK; and $4.5 million for equalization payments for land exchanges to implement provisions of the Navajo and Hopi Relocation Act.

For the Fish and Wildlife Service, the managers have agreed to recommend $1.785 million, the House-passed level, for resources management; $5.38 million for construction of an Alaskan operations and research vessel; $1.25 million for the completion of the Gainesville National Research Laboratory; and $10 million from the land and water conservation fund for the acquisition of land or waters in the Atchafalya Basin of Louisiana.

The conferees have recommended $6.1 million for operation of the National Park System, and have included language which extends the availability of fiscal year 1984 funds for operations at New River Gorge National River in West Virginia and for the South Point Hawaii complex. We have recommended $22.653 million in the construction account for the rehabilitation of the Hawaiian Volcano Observatory, the construction of a revetment and breakwater to protect El Morro Castle, the design of a visitor center at the Johnstown Flood National Monument, and the restoration of the "F" golf course at East Potomac Park. And, we have included $30 million for land acquisition and State assistance to accelerate acquisitions for the Appalachian Trail and in the States of North Carolina, Michigan, Florida, and California.

For the Bureau of Indian Affairs, the managers recommend $27 million for the operation of Indian programs. We recommend the House-passed level of $2.44 million for territorial and international affairs, and $2 million for the Trust Territory of the Pacific Islands.

In the area of energy, we have provided $30 million, of which $17 million is by transfer, to the Geological Survey for Barrow area gas operation, exploration, and development, and $2.948 million to the Department of Energy to meet necessary program direction costs of fossil energy research and development's energy technology centers.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

The House-passed supplementals for the Department of Labor, Health and Human Services and Education totaled $227,969,000. The Senate-passed program supplementals totaled $627,798,000. The administration requests were $58,200,000.

The results of the conference will make available a total of $260,848,000, $32,879,000 over the House-passed and $366,950,000 below the Senate-passed amounts.

The major item of difference was Pell grants. The Senate had included $353 million to cover the anticipated shortfall in the fiscal year 1983 and fiscal year 1984 appropriations. The House did not include that amount in this bill, but has included it in the House-passed fiscal year 1985 Labor-HHS appropriations bill. Due as much as anything to the large amounts by which the total Senate bill exceeded the administration request, as well as concerns relating to the current budget ceilings, the conferees agreed to address this shortfall in the fiscal

year 1985 Labor-HHS appropriations bill, and deleted the $353 million included by the Senate in this supplemental.

With respect to other items in conference, in the Department of Labor, the House receded to the Senate on the three items, and provided the following:

Job Corps Capital Improvement (millions)	$21.7
Migrant and seasonal farmworkers (millions)	5.117
Bureau of Labor Statistics, Service Sector Survey	750,000

With respect to items in conference in the Department of Health and Human Services, the House receded to the Senate on the supplemental amount for Foster Care and Adoption Assistance, $60 million. These are entitlement programs, and the Senate based its figures on the latest Congressional Budget Office estimates.

The conference agreement on other items in conference in this Department include the following:

Centers for Disease Control [AIDS]	$1,750,000
Alcohol, Drug Abuse and Mental Health [AIDS]	1,175,000
Developmental Disabilities, University Affiliated Facilities	387,000

In addition, the conferees agreed to Senate bill language for refugee assistance, clarifying the intent of Congress about the funding levels for refugee programs under the fiscal year 1984 continuing resolution, and language extending the Work Incentives [WIN] Demonstration Programs.

In the Department of Education the agreement on Pell grants was mentioned earlier. In addition, the conference agreement provides $15 million for impact aid disaster assistance, which was requested by the administration after the House had passed the supplemental, and was included by the Senate.

For Howard University, the conferees provided $11 million, including $5 million by transfer, as proposed by the Senate, instead of the straight $11 million appropriation proposed by the House.

Other education items on which agreement was reached include:

Chapter 1, College Assistance Migrant Program [CAMP]	$750,000
Education for the Handicapped, regional resource centers (millions)	1.2

In addition, under impact aid, there is conference report language directing the Department of Education to seek an administrative solution to the most serious impact aid situation facing the Bourne, MA, School District.

For related agencies, the conferees agreed on the House figure for the Corporation for Public Broadcasting, $57.5 million, for supplemental appropriations for the fiscal years 1984–86. This is an account funded 2 years in advance, which explains why fiscal year 1986 is being addressed in a fiscal year 1984 supplemental.

Finally, there were a number of supplementals on which both the House- and Senate-passed versions of the supplemental were agreed, and so were not in conference, but which are contained in the conference agreement. These include:

Title XX, Social Service Block Grant (millions)	$25
Older Americans, support services, and home delivered meals (millions)	15
National Institutes of Health (AIDS) (millions)	6.55
Ellender Fellowships (Close-up)	500,000
Vocational Rehabilitation, basic State grants (millions)	33.9
Helen Keller Center	300,000
Gallaudet College (millions)	2
ACTION (millions)	6.269

In title II, pay supplementals, the conference agreement contains $26,576,000, as passed by the House, compared with the administration request of $81,580,000, and the Senate-passed amount of $31,895,000.

TRANSPORTATION AND RELATED AGENCIES

Mr. Speaker, chapter X of the second supplemental contains funding for the Department of Transportation and Related Agencies. Most of the major items in this chapter were identical in the House and Senate bills, and therefore were not involved in our conference discussions. These included appropriations for the liquidation of Federal loan guarantees under the Aircraft Purchase Loan Guarantee Program, the Rail Service Assistance Program, the Railroad Rehabilitation and Improvement Financing Program, and loans to Amtrak. In addition, funds were contained in the House and Senate bills for Conrail labor protection payments and the liquidation of payments for property transferred to Conrail in 1976, in settlement of the Conrail property valuation litigation. A pay supplemental of $714,000 for the Civil Aeronautics Board was also contained in both the House and Senate bills.

With regard to the items that were considered in conference, the conferees agreed to accept a Senate amendment relating to the polar icebreaker capability of the Coast Guard. That language prohibits the Coast Guard from reducing the number of icebreakers below five, and will prevent the immediate decommissioning of the icebreaker *Westwind*.

Under the Urban Mass Transportation Administration, the conferees agreed to accept Senate language permitting unobligated section 5 transit operating funds appropriated for commuter rail purposes to be used for bus and bus-related facilities. This provision was included for the benefit of a transit system in New Jersey, and I understand that the chairman of the authorizing committee, the gentleman from New Jersey, Mr. HOWARD, does not object to the inclusion of this legislative language in the final bill.

The conferees agreed to drop a rescission of $1.2 million from the ICC's salaries and expenses account that had been included in the Senate bill. The conferees did agree, however, to transfer $1.2 million from this account to the FAA for additional funding for operations. A total of $35 million was provided for FAA operations, including $3.8 million from unexpended balances in the CAB's payments to air carriers account in addition to the $1.2 million from the ICC.

Also under the FAA, we included language that had been added by the Senate extending the time period for which air traffic controller re-employed annuitants may be paid at higher than normal compensation rates for another year, from December 31, 1984, to December 31, 1985. This language is needed to retain a number of air traffic controllers who would otherwise retire, and whose experience is necessary to maintain staffing levels within the air traffic control system. We have included language in the Statement of Managers requiring the FAA Administrator to provide written certification to the Congress of the necessity of these higher than normal compensation rates.

The Senate added four noncontroversial amendments to this chapter of the second supplemental, and struck one House provision.

Amendment No. 151 transfers $3 million from the Secret Service to the U.S. Customs Service. In this fiscal year, the Secret Service has an $11.5 million surplus due to an overestimate for Presidential candidate protection. For the Office of Federal Procurement Policy, an increase in the spending limitation is provided for this agency to carry out additional procurement coordination efforts.

Amendment No. 208 is a provision that was added on the floor of the House. Numbered as section 303 of the House-passed bill, this amendment is designed to ensure that the Postal Service Reorganization Act of 1970 is implemented as the Congress intended.

This provision prohibits the Postal Service from imposing an unfair, unilateral action before the process is complete and before an agreement is reached: the two-tier pay scale. The amendment deals only with the process of negotiations, not the issues under consideration.

Mr. BOLAND. Mr. Speaker, I would like to mention one item in chapter V of the conference report. The conferees recommend $50,000,000 for school asbestos abatement, as proposed by the Senate. We also included language to require EPA to develop practical

guidance to help schools assess hazards and what they should do about them. Schools definitely need the money—but they need help in managing these exceedingly complex problems just as badly.

Across the country there is panic over asbestos, and it's human nature for parents to want to play it safe and insist on total removal. In many cases, however, simple containment or encapsulation measures would be the best approach. And this is the root of the problem, because experience so far with school removal projects has been disastrous. Much of the time, projects to remove asbestos are actually increasing exposures and health risks for students, teachers and workers—the cure is only making the problem worse. And most people do not realize this risk.

Removing asbestos clearly is an expensive and technically difficult job. Many large established contractors won't even bid on the work—so schools are often victimized by small, untrained contractors who don't protect their workers, who do sloppy cleanup jobs, and who leave the problem worse than they found it. It's sometimes difficult to get objective, independent opinions on an issue that is this emotional—but I want to share with you the views of an expert who has excellent experience and credibility in this whole area. His name is Dr. Robert N. Sawyer. He is an M.D. and an engineer and on the medical faculty at Mount Sinai and the University of Pennsylvania. He first raised the asbestos-in-schools problem to EPA's attention in 1978, and he was a consultant to EPA and a principal author of EPA's first school asbestos technical assistance manual. He currently serves on the Secretary of Education's Task Force on Asbestos.

In 1 research project, Dr. Sawyer took over 500 air samples during 40 removal projects in schools and other buildings and he is convinced that dangerously high exposures are the rule not the exception. He estimates that possible 80 percent of school removal projects are of poor quality and produce higher exposures and greater risks afterward. Dr. Sawyer emphasizes the need for better evaluation of the hazards, technical guidance on abatement options, and guidelines for worker protection cleanup standards. Dr. Sawyer also notes that the demand for school ripouts already far exceed the supply of qualified contractors—so that adding $50,000,000 is likely to reduce the odds of a good cleanup. I have a lot of confidence in Dr. Sawyer's judgment—and his views give me pause over the unrecognized adverse effects of this funding.

Given the serious concerns that have been raised, it seems to me that in addition to Federal funding, schools need technical assistance in several areas. They need:

First, a methodology and criteria to assess the hazards so that money can be targetted to the schools with real problems.

Second, specific guidelines to help decide which abatement method is appropriate.

Third, procedures for contractor certification or training to assure safe, high quality work, and

Fourth, minimum cleanup standards to assure that problems are not aggravated by abatement efforts.

None of these ingredients are now in place. The language we added in conference will assure that the most critical safeguards are developed by EPA to help schools and to make absolutely sure that removal projects do not increase asbestos exposures for school occupants and workers.

● Mr. BIAGGI. Mr. Speaker, I rise today to indicate my full support of this conference report to the Second Supplemental Appropriation Act of 1984. I wish to specifically express my support for the retention of my amendment passed by the House in the conference report to provide $15 million in additional funds for two key programs under the Older Americans Act.

The two programs are title III-B supportive services which would receive $10 million under my amendment—and title III C-2—the National Home Delivered Meals Program which would be provided with an additional $5 million under my amendment.

Both programs deserve this increase. In the case of title III-B it has not seen an increase in its appropriated funds since 1980—this despite the fact that it is expected to provide such critical services as transportation—legal services and information and referral. In the case of I & R as it is called—this is becoming an increasingly active area because of the new DRG system under medicare. As my colleague from Maine, Ms. SNOWE, has pointed out we have seen dramatic increases in the number of elderly persons being referred to area agencies on aging elderly persons who are being discharged earlier from hospitals because of DRG's for this and the other pressures on III-B this modest increase is entirely warranted.

In the case of title III C-2—the need is also great. This $5 million increase in funds would raise appropriations to $67 million just under the authorization level of $68.3 million. This is as dramatic a testimony as anything about the effectiveness of this program. What other Federal program is within almost 100 percent of its authorization in actual appropriation.

It is estimated that as many as 1 million additional meals for the homebound elderly will be provided under my amendment. The meals that are served by this program are genuinely going to the neediest of our elderly. Research that I have done in my capacity as chairman of the Human Services Subcommittee of the House Select Committee on Aging indicates that the average age of a home delivered meals recipient is 78 with more than 65 percent of these people have incomes under $6,000. In addition, in a survey I did of more than 1,200 projects, I found that 82 percent of them cited increased demand for home delivered meals in the past year with 78 percent having increased waiting lists. The average waiting list has now grown to 299.

The issue here is clear. These are moneys that are needed—fully defensible—and more importantly cost effective in nature. The home delivered meal that is provided can and does make the difference between a person remaining at home as compared to being put in a nursing home. The other supportive services provided by title III-B in and of themselves provide dignity and self-sufficiency for millions of elderly.

Earlier this week the House passed H.R. 4785, the Older Americans Act Amendments of 1984. The bill reauthorizes and expands all programs under the Older Americans Act for 3 additional years. Significant increases in authorizations were provided for title III B under an amendment I authored when the bill was before the House Education and Labor Committee. Adoption of this conference report today will truly complement that effort and more importantly help millions of senior citizens.

Let me conclude by paying tribute to the most distinguished chairman of the Labor—Health and Human Services Subcommittee on Appropriations, the gentleman from Kentucky [Mr. NATCHER]. His leadership and advocacy for senior citizens is enormous—and just as important to me is the fact that his word is as good as gold. This amendment represents the completion of a commitment made last September when the Labor—Health and Human Services appropriations bill for fiscal year 1984 was before the House. I am pleased it was able to be fulfilled in this manner.●

● Mr. FRENZEL. Mr. Speaker, this $6.8 billion bill is a half billion higher than when it left the House. It was too high then, and it is much too high now.

Supplemental appropriations are often necessary to cover emergencies or unpredictable events or conventions. In this House, they have become routine procedure. The committee uses supplementals to rocket up spending for accounts which are perfectly predictable.

Entitlements and mandatory items are routinely underfunded in regular

appropriation so that pet discretionary programs can get fat raises. Then the entitlements are picked up in so-called emergency supplementals. It is a spending two step which annually fleeces the taxpayer more than is really necessary.

This supplemental is the same old thing. Most of it should not have been needed in the first place, if the budget process had been followed fairly.

I shall vote against it.

When the House considers the Kemp-Murtha amendment to provide $70 million to support the fledgling Duarte government in El Salvador, I shall vote aye.

Both parties have agreed that the popularly elected democracy in El Salvador needs help to resist attacks from the insurgent left and from the right. This House should not renege on that pledge and let the small country founder.

I expect the amendment to pass handsomely.●

Mr. CONTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 85, not voting 35, as follows:

[Roll No. 367]

YEAS—312

Ackerman	Boner	Coleman (MO)
Addabbo	Bonior	Coleman (TX)
Akaka	Bonker	Collins
Albosta	Borski	Conte
Anderson	Bosco	Conyers
Andrews (NC)	Boucher	Cooper
Andrews (TX)	Boxer	Corcoran
Annunzio	Breaux	Coughlin
Anthony	Britt	Coyne
Applegate	Broomfield	Crockett
Aspin	Brown (CA)	D'Amours
Barnard	Bryant	Daniel
Barnes	Burton (CA)	Darden
Bates	Byron	Davis
Bedell	Campbell	de la Garza
Beilenson	Carney	Dellums
Bennett	Carper	Derrick
Bereuter	Carr	Dickinson
Berman	Chandler	Dicks
Bevill	Chappell	Dingell
Biaggi	Chappie	Dixon
Bliley	Clay	Donnelly
Boehlert	Clinger	Dowdy
Boggs	Coats	Downey
Boland	Coelho	Duncan
Durbin	LaFalce	Ridge
Dwyer	Lantos	Rinaldo
Dymally	Leath	Robinson
Dyson	Lehman (CA)	Rodino
Eckart	Lehman (FL)	Roe
Edwards (AL)	Leland	Roemer
Edwards (CA)	Lent	Rogers
Emerson	Levin	Rose
English	Levine	Rostenkowski
Erdreich	Levitas	Roth
Erlenborn	Livingston	Roukema
Evans (IL)	Lloyd	Rowland
Fascell	Long (LA)	Roybal
Fazio	Lott	Rudd
Feighan	Lowery (CA)	Sabo
Fiedler	Lowry (WA)	Savage
Fish	Lujan	Sawyer
Flippo	Luken	Scheuer
Florio	Lundine	Schneider
Foglietta	Madigan	Schumer
Foley	Markey	Seiberling
Ford (MI)	Martin (NY)	Sharp
Fowler	Matsui	Shaw
Frank	Mavroules	Sikorski
Franklin	Mazzoli	Sisisky
Frost	McCain	Skelton
Gaydos	McCloskey	Smith (FL)
Gejdenson	McDade	Smith (IA)
Gibbons	McHugh	Smith (NE)
Gilman	McKernan	Smith (NJ)
Glickman	McKinney	Snowe
Gore	McNulty	Solarz
Gramm	Mica	Spratt
Gray	Michel	St Germain
Green	Mikulski	Staggers
Gregg	Miller (CA)	Stangeland
Guarini	Miller (OH)	Stark
Gunderson	Mineta	Stenholm
Hall (IN)	Minish	Stokes
Hall (OH)	Mitchell	Stratton
Hall, Ralph	Moakley	Studds
Hamilton	Molinari	Sundquist
Hammerschmidt	Mollohan	Swift
Hance	Montgomery	Synar
Harkin	Moody	Tallon
Harrison	Moore	Tauzin
Hawkins	Morrison (CT)	Taylor
Hayes	Morrison (WA)	Thomas (GA)
Hefner	Mrazek	Torres
Heftel	Murphy	Torricelli
Hightower	Murtha	Udall
Hillis	Myers	Valentine
Holt	Natcher	Vander Jagt
Hopkins	Nelson	Vento
Horton	Nichols	Volkmer
Hoyer	Nowak	Walgren
Huckaby	O'Brien	Watkins
Hughes	Oakar	Waxman
Hunter	Oberstar	Weber
Hutto	Ortiz	Weiss
Hyde	Ottinger	Wheat
Ireland	Owens	Whitehurst
Jacobs	Packard	Whitley
Jenkins	Panetta	Whitten
Johnson	Parris	Williams (MT)
Jones (NC)	Patman	Williams (OH)
Jones (OK)	Pease	Wilson
Jones (TN)	Pepper	Winn
Kaptur	Petri	Wirth
Kasich	Pickle	Wise
Kastenmeier	Porter	Wolf
Kazen	Price	Wolpe
Kemp	Rahall	Wortley
Kennelly	Rangel	Wylie
Kildee	Ratchford	Yates
Kleczka	Ray	Yatron
Kogovsek	Regula	Young (AK)
Kolter	Reid	Young (FL)
Kostmayer	Richardson	Young (MO)

NAYS—85

Archer	Daschle	Gradison
AuCoin	Daub	Hansen (ID)
Bartlett	DeWine	Hansen (UT)
Bilirakis	Dorgan	Hartnett
Brown (CO)	Dreier	Hertel
Broyhill	Edgar	Hiler
Burton (IN)	Edwards (OK)	Hubbard
Cheney	Evans (IA)	Kindness
Conable	Fields	Kramer
Courter	Frenzel	Lagomarsino
Craig	Gekas	Latta
Crane, Daniel	Gingrich	Leach
Crane, Philip	Gonzalez	Lewis (CA)
Dannemeyer	Goodling	Lewis (FL)
Loeffler	Pashayan	Smith, Denny
Long (MD)	Paul	Solomon
Lungren	Penny	Spence
Mack	Ritter	Stump
MacKay	Roberts	Tauke
Marlenee	Russo	Thomas (CA)
Martin (IL)	Schaefer	Vandergriff
McCandless	Schroeder	Vucanovich
McCollum	Schulze	Walker
McGrath	Sensenbrenner	Weaver
Moorhead	Shumway	Whittaker
Nielson	Shuster	Wyden
Obey	Siljander	Zschau
Olin	Skeen	
Oxley	Slattery	

NOT VOTING—35

Alexander	Hall, Sam	Pritchard
Badham	Hatcher	Pursell
Bateman	Howard	Quillen
Bethune	Jeffords	Shannon
Brooks	Lipinski	Shelby
Clarke	Marriott	Simon
Early	Martin (NC)	Smith, Robert
Ferraro	Martinez	Snyder
Ford (TN)	McCurdy	Towns
Fuqua	McEwen	Traxler
Garcia	Neal	Wright
Gephardt	Patterson	

□ 1340

Ms. KAPTUR and Mr. KASICH changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. BARNARD). The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 2: Page 2, strike out all after line 22 over to and including line 4 on page 3 and insert:

None of the funds appropriated or made available under this or any other Act for fiscal year 1984 may be used by the Secretary of Agriculture to implement any amendment to an order applicable to a fruit, vegetable, nut or specialty crop issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), unless each such amendment thereto is submitted to a separate vote.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 2, 13, 22, 23, 26, 28, 30, 32, 35, 36, 39, 43, 45, 47, 48, 49, 50, 51, 52, 61, 62, 66, 67, 77, 82, 85, 94, 99, 104, 106, 107, 110, 111, 116, 117, 118, 119, 124, 129, 130, 131, 135, 136, 138, 143, 145, 146, 148, 149, 151, 152, 153, 154, 167, 168, 170, 171, 199, 211, 212, 213, and 215 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Mr. Speaker, reserving the right to object, I have always gone along—in fact this was my idea way back—to consider these amendments en bloc, but I am approached by the leadership here that there is some concern about reaching a ceiling on 302(b), and the Budget Committee is getting into this act, and not knowing

of the uncertainty, at this point I will object until we get this straightened out.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the motion.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment read as follows:

Senate amendment No. 3: Page 3, strike out lines 6 to 10, inclusive, and insert:

FEDERAL CROP INSURANCE CORPORATION FUNDS

BORROWING AUTHORITY

For emergency borrowing authority as authorized by section 516(d) of the Federal Crop Insurance Act, as amended (Public Law 96-365), $100,000,000 shall be available to the Federal Crop Insurance Corporation.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 3, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for additional capital stock of the federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act (7 U.S.C. 1504), $50,000,000.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 4: Page 4, line 5, after "$25,000,000" insert "; and guaranteed operating loans, $650,000,000, to remain available until September 30, 1985: *Provided,* That operating loans shall be available for the refinancing of existing indebtedness, as provided under section 312(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)(7))".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "; and guaranteed operating loans, $150,000,000, to remain available until September 30, 1985".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 6: Page 4, after line 6, insert:

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation, as authorized by section 522 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $30,000,000, to remain available until September 30, 1985.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$15,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 9: Page 4, after line 20, insert:

1985 WHEAT PROGRAM

Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by adding at the end thereof the following new paragraph:

"(9) Notwithstanding any other provision of this subsection, in carrying out acreage limitation and land diversion programs for the 1985 crop of wheat, the Secretary shall permit all or any part of the acreage diverted from production under such programs by participating producers to be devoted to grazing except during five of the principal growing months, as determined for each State by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

1985 WHEAT PROGRAM

Notwithstanding any other provision of law, in carrying out acreage limitation and land diversion programs for the 1985 crop of wheat, the Secretary shall permit all or any part of the acreage diverted from production under such programs by participating producers to be devoted to grazing except during five of the principal growing months, as determined for each State by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 6, after line 7, insert:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $26,000,000, to remain available until expended, pursuant to 42 U.S.C. 3151(f) of which $7,000,000 is for a grant to the Institute for Technology Development in the State of Mississippi, and of which $19,000,000 is for a grant to Boston University for the construction and related costs of the university engineering and technical training center.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $26,000,000 to remain available until expended, pursuant to 42 U.S.C. 3151(f) of which $7,000,000 is for a grant to the Institute for Technology Development in the State of Mississippi, and of which $19,000,000 is for a grant to Boston University in the State of Massachusetts, for the construction and related costs of the university engineering and technical training center.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 13: Page 6, line 10, after "expended" insert ": *Provided,* That $750,000 shall be made available to the Year of the Ocean Foundation, of which $250,000 shall be made available contingent on a matching fund basis from private sources".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 16: Page 6, strike out lines 20 to 25, inclusive, and insert:

For the acquisition and preconversion costs for a training vessel to be used at the State University of New York Maritime College, $8,500,000, to remain available until expended, of which not to exceed $1,000,000 shall be used for preconversion costs: *Provided,* That these funds shall be made available for obligation six months following the enactment of this Act only if a suitable surplus vessel has not been made available to the State University of New York Maritime Academy.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the matter stricken and proposed by said amendment, insert the following:

For an additional amount for "Operations and training", $2,500,000, to remain available until expended: *Provided,* That these funds shall be made available to the "Association for the Preservation of the Yacht, Potomac" only when matched by an additional $2,500,000 in contributions from State or local governments or private sources. In addition, for the acquisition and preconversion costs for a training vessel to be used at the State University of New York Maritime College, $8,500,000, to remain available until expended, of which not to exceed $1,000,000 shall be used for preconversion costs: *Provided,* That these funds shall be made available for obligation six months following the enactment of this Act only if a suitable surplus vessel has not been made available to the State University of New York Maritime College: *Provided further,* that all appropriate federal agencies are hereby authorized and shall expedite making any vessel of this class available which is declared surplus by a federal agency and that upon the bona fide sale, approved by the Maritime Administration, of the current schoolship utilized by the State University of New York Maritime College, the proceeds of such sale shall be applied by the Maritime Administration toward the rehabilitation of the schoolship acquisition provided for herein.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 20: Page 8, line 14, strike out all after "ers" " down to and including "1985" in line 16 and insert *": Provided,* That $4,164,000 shall remain available until September 30, 1985 for the United States Attorney's office in the District of Columbia for the purpose of relocating, renovating, installing equipment, and renting space: *Provided further,* That $1,436,000 shall be available until September 30, 1984, for the purpose of paying salaries and expenses of employees supporting the District of Columbia Superior Court".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: ": *Provided,* That $1,100,000 shall remain available until September 30, 1985, for the United States Attorney's office in the District of Columbia for the purpose of relocating, renovating, installing equipment, and renting space: *Provided further,* That $1,436,000 shall be available until September 30, 1985, for the purpose of paying salaries and expenses of employees supporting the District of Columbia Superior Court".

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1350

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 22: Page 8, after line 23, insert:

In addition to the amount made available in the appropriation under this head, the language governing the Cooperative Agreement Program for fiscal years 1982, 1983, 1984, 1985, and hereafter is amended to permit State and local jail systems to renovate, construct, and equip facilities that will house non-Federal prisoners: *Provided,* That such expenditure is made under agreements with State and local jail systems which make space of equal or greater value available to house Federal prisoners than would otherwise have been provided under the conditions established by the relevant appropriations Acts.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 22, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 23: Page 9, strike out lines 10, 11, and 12 and insert "Of funds available under the above head, $10,692,000 for purchase of automated data processing and telecommunication equipment and $7,773,000 for undercover operations shall remain available until September 30, 1985.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 23, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 26: Page 9, line 19, after "Facilities" " insert ", of which $8,500,00 shall be available until September 30, 1985".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 27: Page 9, line 22, strike out "$3,000,000" and insert "$300,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$3,300,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 28: Page 9, after line 22, insert:

GENERAL PROVISION

Notwithstanding the provisions of 31 U.S.C. 1342, the Attorney General is hereby authorized to accept, receive, hold, and administer on behalf of the United States, gifts of money, personal property, and services, for the purpose of hosting the meeting of the General Assembly of the International Criminal Police Organization (INTERPOL) in the United States in September and October, 1985. All moneys received for this purpose shall be credited to the appropriation "Salaries and expenses, general legal activities" notwithstanding 31 U.S.C. 3302. The Attorney General is further authorized to use otherwise available funds from the appropriation "Salaries and expenses, general legal activities" for fiscal years 1984, 1985, and 1986 as he deems necessary, to pay expenses of hosting such General As-

sembly meeting, including but not limited to reception and representation expenses. The authority of the Attorney General under this section shall continue through September 30, 1986.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 30: Page 10, line 9, after "activities" " insert ": *Provided*, That of the funds appropriated under this heading in Public Law 97-275, $3,500,000 shall remain available until September 30, 1985".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 32: Page 10, line 14, after "expended" insert: ": *Provided*, That of the funds appropriated under this heading in Public Law 97-275, $3,000,000 shall remain available until September 30, 1985".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment read as follows:

Senate amendment No. 35: Page 10, after line 18, insert:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

Notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1984 pursuant to that section, shall be available to the Board for carrying out that Act until September 30, 1985.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 35, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 36: Page 10, after line 18, insert:

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

For necessary expenses for the Christopher Columbus Quincentenary Jubilee Commission as authorized by the Christopher Columbus Quincentenary Jubilee Act, $220,000, to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 39: Page 12, line 15, after "$41,200,000" insert ", and in addition, the amount available under this heading that can be used for emergencies and extraordinary expenses is increased to $5,020,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 39, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 40: Page 13, after line 19, insert:

Section 781 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended by inserting the following language at the end of the provision: "This limitation shall apply only to ejection seats procured for installation on aircraft produced in the United States.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Section 781 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended by inserting the following language at the end of the provision: "This limitation shall apply only to ejection seats procured for installation on aircraft produced or assembled in the United States."

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 43: Page 14, after line 6, insert:

None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 45: Page 14, after line 23, insert:

An additional $336,200,000 shall be available for the battleship *Missouri* reactivation from amounts appropriated in "Shipbuilding and Conversion, Navy, 1984/1988".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 45, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 47: Page 15, after line 4, insert:

Of the amounts available for "Aircraft Procurement, Air Force, 1984/1986", $64,200,000 shall be available only for the purchase of at least thirty-two B-707 aircraft.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 47, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 48: Page 15, after line 5, insert:

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", to enable the Secretary of the Army, acting through the Chief of Engineers, pursuant to Public Law 98-213, to be agent for and to allow the construction, operation, maintenance and training of personnel of the hydroelectric project authorized pursuant to section 101 of Public Law 96-205, $8,000,000, to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 48, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 49: Page 15, after line 5, insert:

GENERAL PROVISION

Notwithstanding any other provision of law, there is hereby appropriated this sum of $2,000,000, to remain available until expended, to pay for flood damages (not to exceed $2,000,000) resulting from equipment malfunction and subsequent operation of the W.G. Huxtable Pumping Station, St. Francis River, near Marianna, Arkansas, during May and June 1983.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 50: Page 15, after line 12, insert:

If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to an authorization or the providing of an appropriation of funds to the Secretary of the Interior to construct the Yakima River Basin Water Enhancement Project (hereinafter, Yakima Enhancement Project), shares in the costs of or constructs any physical element of that project, including any reregulating dam or fish passage facility, and conveys the same to the United States, the costs incurred by the State, the Yakima Indian Nation, or any other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given for any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary of the Interior prior to its construction. The Secretary shall grant such approval, when requested by the State, the Yakima Indian Nation, or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project. The Secretary is authorized to accept title to any reregulating dam or fish passage facility his passage facility constructed by the State, the Yakima Indian Nation, or any other entity, pursuant to this section, without giving compensation therefor, and thereafter to operate and maintain such facilities. Any such facility shall be operated by the Secretary in a manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights established pursuant to State law, including the valid contract rights of irrigation users. The Secretary of the Interior shall negotiate and enter into agreements for the payment of operation and maintenance costs pursuant to Federal reclamation law and other applicable law: *Provided*, That operation and maintenance costs related to anadromous fish, including costs at facilities in the Yakima River Basin authorized to be constructed by the Secretary of the Interior, which are in excess of present obligations, as determined by the Secretary, shall be nonreimbursable and nonreturnable.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 50, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 51: Page 15, after line 12, insert:

ADMINISTRATIVE PROVISION

A sum of $6,000,000 allocated to flood control work on the Gila River Channel, within the Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona, shall be nonreimbursable and nonreturnable under Federal reclamation law.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 30 minutes.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. I thank the gentleman.

Mr. Speaker, I would like to enter into a colloquy with the distinguished chairman of the Energy and Water Subcommittee, the gentleman from Alabama [Mr. BEVILL].

Mr. Speaker, my question is this. The House included language in its fiscal year 1984 supplemental report directing that none of the funds available to the Corps of Engineers be used relative to the transfer of water from the Roanoke River Basin to the James River Basin until the corps has made an environmental impact study and both the corps and EPA determine from such study that there will be no damage to fish and wildlife and no detrimental affect on the environment. It is my understanding that since the Senate did not challenge this position in its report that the Department is to follow the recommendations made by the House. Is that correct?

Mr. BEVILL. Mr. Speaker, if the gentleman will yield. The gentleman from North Carolina is correct.

Mr. HEFNER. I thank the gentleman for his support on this issue, and I assure him and the Members of the House that I will work with the chairman to ensure that the Corps of Engineers and EPA do a thorough environmental impact study and report their findings to both the citizens of North Carolina and those of Virginia.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 52: Page 15, after line 12, insert:

INDEPENDENT AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For an additional amount to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $5,000,000 to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 52, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 55: Page 17, after line 23, insert:

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $50,000,000, to remain available until expended: *Provided*, That this amount shall be available for the purposes of the Asbestos School Hazards Abatement Act of 1984.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of

the matter proposed by said amendment, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $63,000,000, to remain available until expended. Of this amount, $50,000,00 shall be available for the purposes of the Asbestos School Hazards Abatement Act of 1984 (including up to ten percent for administrative expenses as provided for in said Act): *Provided*, That this sum shall not be available for asbestos removal projects until the Environmental Protection Agency develops comprehensive guidelines to classify and evaluate asbestos hazards and appropriate abatement options. And of this amount, $13,000,000 shall be available to the City of Akron, Ohio, to refinance the bond debt of the recycle energy system of such city: *Provided*, That such sum may not exceed sixty percent of such debt: *Provided further*, That the facilities of such recycle energy system shall be made available to the Federal Government as a laboratory facility for municipal waste to energy research.

Mr. LIVINGSTON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Speaker, I make a point of order that the amendment in the motion is not germane to the Senate amendment.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Speaker, the Senate amendment provided $5 million for abatement, control, and compliance, to remain available until expended for the purposes of the Asbestos School Hazards Abatement Act of 1984.

The amendment in the motion not only provides funds for the same product as the Senate amendment, but goes far beyond the scope of the Senate amendment by earmarking $13 million for the city of Akron, OH, to refinance the bond debt of the recycle energy system of that city.

A motion to recede and concur in a Senate amendment with an amendment must be germane to the Senate amendment. This amendment introduces a new and wholly unrelated purpose and subject into the Senate amendment. There is no relationship whatever between the subject and purpose of the original Senate amendment, which is asbestos hazards, and the bond debt of the city of Akron for its recycle energy system.

Mr. Speaker, I ask for a ruling.

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The SPEAKER pro tempore. Does the gentleman from Mississippi [Mr. WHITTEN] wish to respond to the point of order?

Mr. WHITTEN. I have no comment, Mr. Speaker.

The SPEAKER pro tempore (Mr. BERNARD). The Chair is prepared to rule.

The proposed amendment is not germane to the Senate amendment. Therefore, the Chair sustains the point of order.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer a substitute motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $50,000,000 to remain available until expended: *Provided*, That this amount shall be available for the purpose of the Asbestos School Hazards Abatement Act of 1984 (including up to ten per cent for administrative expenses as provided for in said Act): *Provided further*, That this sum shall not be available for asbestos removal projects until the Environmental Protection Agency develops comprehensive guidelines to classify and evaluate asbestos and appropriate abatement options.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 58: Page 18, after line 24, insert:

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Of the amounts appropriated under this heading in Public Law 98-181, $350,000 shall be available for the necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, to remain available until September 30, 1985.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Of the amounts appropriated under this heading in Public Law 98-181, $175,000 shall be available for the necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, to remain available until September 30, 1985.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 61: Page 20, line 8, after "organizations" insert "and through units of local government".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 61, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 62: Page 20, line 13, after "organization's" insert "or unit of local government's".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 62, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 63: Page 21, after line 4, insert:

The National Aeronautics and Space Administration is authorized, notwithstanding any other provision of law, to acquire for and otherwise take such actions as the Administrator deems necessary to provide to the National Science Foundation, on a fully reimbursable basis, a Class VI Computer, with accompanying peripheral equipment as requested by the Foundation, NASA is further authorized to lease as a replacement on a two year basis, a compatible upgraded computer, with such peripheral equipment as it deems necessary to conduct requisite research operations. $13,000,000 is appropriated for this purpose and shall remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

The National Aeronautics and Space Administration is authorized, notwithstanding any other provision of law, to acquire for and otherwise take such actions as the Administrator deems necessary to provide to the National Science Foundation, on a reimbursable basis, a class VI Computer, with accompanying peripheral equipment as requested by the Foundation. NASA is further authorized to lease as a replacement on a two-year basis, a compatible upgraded computer, with such peripheral equipment as it deems necessary to conduct requisite research operations. $13,000,000 is appropriated only for this purpose and shall remain available until expended.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 66: Page 21, after line 11, insert:

TRUST FUND

There is appropriated out of funds not otherwise appropriated, the sum of $5,000,000 to a "National Institute of Building Sciences Trust Fund" which is hereby established in the Treasury of the United States: *Provided,* That the Secretary shall invest such funds in United States Treasury special issue securities at a fixed rate of 10 per centum per annum that such interest shall be credited to the Trust Fund on a quarterly basis, and that the Secretary shall make quarterly disbursements from such interest to the National Institute of Building Sciences: *Provided further,* That the total amount of such payment during any fiscal year may not exceed $500,000 or the amount equivalent to non-federal funds received by the Institute during the preceding fiscal year, whichever is less: *Provided further,* That any amount of interest not used for any such annual payment shall be paid into the general fund of the Treasury: *Provided further,* That the appropriation of $5,000,000 made in this paragraph shall revert to the Treasury, on October 1, 1989, and the National Institute of Building Sciences Trust Fund shall terminate following the final quarterly disbursement of interest provided for in this paragraph.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 66, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 67: Page 21, after line 11, insert:

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The National Science Foundation is authorized to receive, from the National Aeronautics and Space Administration, a Class VI Computer, with such accompanying peripheral equipment as NASA makes available, and, upon receipt, to transfer said computer and peripheral equipment to an institution of higher education under such terms as it deems appropriate. The Foundation is directed to reimburse NASA for the costs of such transfer. Funds in the amount of $1,500,000 are appropriated for this purpose and shall remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 67, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 76: Page 23, after line 9, insert:

LAND ACQUISITION

For an additional amount for "Land acquisition", $4,500,000, to remain available until expended, for expenses necessary to carry out the provisions of sections 205 and 206 of Public Law 94-579, as amended, in support of Public Law 93-531, as amended, including administrative expenses and acquisition of lands or waters, or interest therein: *Provided,* That hereafter any transfer or exchange of lands made to implement the provisions of Public Law 93-531 shall be made notwithstanding the provisions of 16 U.S.C. 469a—2; 16 U.S.C. 470; and 16 U.S.C. 470aa, et seq.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

LAND ACQUISITION

For an additional amount of "Land acquisition", $4,500,000, to remain available until expended, for expenses necessary to carry out the provisions of section 11 of Public Law 93-531, as amended, including administrative expenses and acquisition of lands or waters, or interest therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent at this time that Senate amendments numbered 77, 82, 85, 94, 99, 104, 106, 107, 110, 111, 116, 117, 118, 119, 124, 129, 130, 131, 135, 136, 138, 143, 145, 146, 148, 149, 151, 152, 153, 154, 167, 168, 170, 171, 199, 211, 212, 213, and 215 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments considered en bloc are as follows:

Senate amendment No. 77: Page 23, after line 9, insert:

ADMINISTRATIVE PROVISION

The first section of the Educational Mining Act of 1982 (96 Stat. 2031), is amended by deleting the phrase "comprising approximately seventy-six acres", and by amending the land description to read "That portion of Mineral Survey 2407, Alaska, situated in Sections 8 and 9, Township 2 North, Range 1 East, Fairbanks Meridan, Alaska, as depicted on the Supplemental Plat of Sections 8 and 9 that was accepted for the Director, Bureau of Land Management, on March 24, 1983, comprising approximately 59.59 acres."

Notwithstanding the provisions of section 906(f)(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2440), the State of Alaska may relinquish its selection, under section 6(b) of the Alaska Statehood Act (72 Stat. 340), of the public lands described in the Educational Mining Act of 1982, as amended by this Act.

Notwithstanding the provisions of section 2 of the Educational Mining Act of 1982, within 30 days of the date of receipt by the Secretary of the Interior of the State of Alaska's relinquishment of its selection, under section 6(b) of the Alaska Statehood Act (72 Stat. 340), of the lands described in the Educational Mining Act of 1982, as amended by this Act, or the date of the enactment of this Act or the date upon which all the requirements of the Educational Mining Act of 1982 are satisified, whichever occurs last, the Secretary of the Interior is directed to convey to the University of Alaska whatever right, title and interest the United States has in the approximately 59.59 acres of land described in the Educational Mining Act of 1982.

Senate amendment No. 82: Page 23, line 18, after "$6,100,000" insert ": *Provided,* That of the funds appropriated under this heading in Public Law 98-146, and unobligated as of September 30, 1984, $180,000 shall remain available for obligation until September 30, 1985, of which $30,000 is to be made available for the operation, maintenance and protection of the several archaeological and historic sites at South Point on the Big Island of Hawaii, as authorized by subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666), and of which $150,000 is to be made available for the operation and maintenance of the New River Gorge National River: *Provided further,* That section 3 of the Act entitled "An Act to improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666)", approved September 8, 1980 (Public Law 96-344), is repealed.

Senate amendment No. 85: Page 24, after line 5, insert:

GEOLOGICAL SURVEY

BARROW AREA GAS OPERATION, EXPLORATION, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of Public Law 98-366, $30,000,000, of which $17,000,000 shall be derived by transfer from "Exploration of the National Petroleum Reserve in Alaska", to remain available until expended.

Senate amendment No. 94: Page 25, after line 20, insert:

ADMINISTRATIVE PROVISION

Notwithstanding section 202(a) of title 23, United Stated Code, the Secretary of Transportation shall, after making the transfer provided by section 204(g) of title 23, United States Code, on October 1, 1984, allocate $30,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1985, by section 105(a)(6) of the Surface Transportation Act of 1982 and, on October 1, 1985, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1986, by section 105(a)(6) of the Surface Transportation Assistance Act of 1982, in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 per centum for the State of Iowa, because of the conveyance of all national forest lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for the fiscal years ending September 30, 1985, and September 30, 1986, shall be allocated pursuant to section 202(a) of title 23, United States Code.

Senate amendment No. 99: Page 26, line 12, after "1985" insert "None of the funds made available by this or any other Act may be used to implement section 303 of the Supplemental Appropriations Act, 1982 (Public Law 97-257) as it relates to the Economic Regulatory Administration and the Energy Information Administration".

Senate amendment No. 104: Page 27, after line 26, insert:

Section 306(b)(2) of the Indian Elementary and Secondary School Assistance Act, Public Law 92-318 (20 U.S.C. 241ee(b)(2)) is amended to read as follows:

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Secretary of Education) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 per centum of such combined fiscal effort for that purpose for the second preceding fiscal year. In addition, the Secretary may waive this requirement for exceptional circumstances for one year only.".

Senate amendment No. 106: Page 28, after line 9, insert:

For an additional amount for migrant and seasonal farmworker programs authorized by section 402 of the Job Training Partnership Act, notwithstanding the provisions of section 3(a)(3)(A) and 402(f) of the Act, $5,117,000, to be available for obligation for the period July 1, 1984 through June 30, 1985: *Provided*, That funding provided herein shall be distributed to the States so that each State's total program year 1984 allocation is at least equal to its annualized allocation for the period October 1, 1983 through June 30, 1984.

Senate amendment No. 107: Page 28, after line 14, insert:

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for enhancing service sector activities, $750,000 to remain available until September 30, 1985.

Senate amendment No. 110: Page 29, after line 7, insert:

SOCIAL SECURITY ADMINISTRATION

OFFICE OF REFUGEE RESETTLEMENT REFUGEE AND ENTRANT ASSISTANCE

For purposes of section 101(c) of Public Law 98-151, the current rate for refugee and entrant assistance activities for fiscal year 1984 is $541,761,000, of which not less than $71,700,000 shall be available for social services (exclusive of targeted assistance), and not less than $77,500,000 shall be available for targeted assistance.

Senate amendment No. 111: Page 29, after line 7, insert:

Funds available for refugee and entrant targeted assitance activities under section 101(c) of Public Law 98-151 shall remain available through September 30, 1985.

Senate amendment No. 116: Page 29, after line 22, insert:

WORK INCENTIVES

Section 445(b)(1) of the Social Security Act is amended by striking out "June 30, 1984," and inserting in lieu thereof "June 30, 1985,".

Section 445(b)(1)(E) of such Act is amended by striking out "prime sponsors under the Comprehensive Employment and Training Act of 1973," and inserting in lieu thereof "service delivery under the Job Training Partnership Act.".

Section 445(d) of such Act is amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a State which has submitted a letter of application on or before June 30, 1984, such program may continue in force until June 30, 1987".

Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu theroof the following new sentence: "The second evaluation shall be conducted three years from the date of the Secretary's approval of the demonstration program.".

Section 445(f) of such Act is amended by adding the following new paragraph:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the States, a thorough study of tthe allocation formula described in paragraph (1) of this subsection and report to Congress no later than April 1, 1985, on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account State performance and to provide for the equitable distribution of funds.".

These provisions shall become effective on the date of the enactment of this Act.

Senate amendment No. 117: Page 30, after line 1, insert:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out section 418 of the Higher Education Act, $750,000.

Senate amendment No. 118: Page 30, after line 5, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874 Eighty-first Congress) (as added by section 23 of Public Law 98-211) are redesignated as subsection (h) of section 5 of that Act. This amendment shall be effective December 8, 1983.

Senate amendment No. 119: Page 30, after line 5, insert:

For an additional amount for "School assistance in federally affected areas," $15,000,000 which shall remain available until expended and shall be for payments under section 7 of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13): *Provided*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That all funds appropriated in fiscal year 1984 under this heading for section 7 of said Act may be used for disasters occurring after October 1, 1983.

Senate amendment No. 124: Page 31, line 8, after "expended" insert ": *Provided*, That $5,000,000 of the foregoing amount shall be derived by transfer from Department of Education "Office for Civil Rights".".

Senate amendment No. 129: Page 32, after line 5, insert:

SENATE

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE VICE PRESIDENT

For an additional amount for "Office of the Vice President", $10,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For an additional amount for "Offices of the Majority and Minority Whips", $100,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For an additional amount for "Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority", $14,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For an additional amount for "Administrative, clerical, and legislative assistance to Senators", $94,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of the Sergeant at Arms and Doorkeeper", $100,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For an additional amount for "Senate Policy Committees", $100,000

SECRETARY OF THE SENATE

For an additional amount for "Secretary of the Senate", $55,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for "Sergeant at Arms and Doorkeeper of the Senate", $1,652,000.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $130,000.

Senate amendment No. 130: Page 32, after line 5, insert:

ADMINISTRATIVE PROVISION

SEC. 1. (a) Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8), and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

Senate amendment No. 131: Page 32, line 12, after "$72,600." insert "For payment to Verna J. Perkins, widow of Carl D. Perkins, late a Representative from the State of Kentucky, $72,600.".

Senate amendment No. 135: Page 34, line 13, after "$200,000" insert ": *Provided*, That the paragraph under this heading in Public Law 98-51 is amended by striking out "$10,000" and inserting in lieu thereof "$240,000" ".

Senate amendment No. 136: Page 34, after line 13, insert:

SENATE OFFICE BUILDINGS

For an additional amount for "Senate office buildings", $7,000,000 to remain available until expended.

Senate amendment No. 138: Page 34, line 20, after "expanded" insert ": *Provided*, That not to exceed $81,000,000 of this amount shall be for the renovation and restoration of the Jefferson and Adams Buildings of the Library of Congress and that funds available under this proviso shall be available for obligation without regard to section 3709 of the revised statutes, as amended".

Senate amendment No. 143: Page 35, after line 23, insert:

None of the funds appropriated by this or any other Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island, may be used to award any contract estimated by the Government to exceed $5,000,000 to a foreign contractor: *Provided*, That this paragraph shall not be applicable to contract awards for which the lowest responsive bid of a United States contractor exceeds the lowest responsive bid of a foreign contractor by greater than 20 per centum. *Provided further*, That the Secretary of Defense may waive the applicability of this section when he determines that such a waiver is in the public interest.

Senate amendment No. 145: Page 35, after line 23, insert:

The appropriation, "Military Construction, Defense Agencies 1984/1988" (Public Law 98-116) is amended by inserting the following after *"Provided,"*: "That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,"*.

Senate amendment No. 146: Page 35, after line 23, insert:

Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1984, shall be transferred to the appropriations for Family Housing provided in the fiscal year 1984 Military Construction Appropriation Act, Public Law 98-116, October 11, 1983, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

Senate amendment No. 148: Page 36, line 7, after "pay" " insert ": *Provided*, That none of the funds appropriated under this or any other Act may be used to take any measure to reduce below five vessels the polar icebreaker fleet operated by the Coast Guard.".

Senate amendment No. 149: Page 38, after line 3, insert:

URBAN MASS TRANSPORTATION ADMINISTRATION

The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

Senate amendment No. 151: Page 38, after line 15, insert:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States Customs Service," $3,000,000, to be derived by transfer from "Salaries and expenses, United States Secret Service", to remain available until expended.

Senate amendment No. 152: Page 38, after line 21, insert:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF FEDERAL PROCUREMENT POLICY

Notwithstanding the limitation on expenses for travel contained in the House passed bill (H.R. 4139) and carried forward by Public Law 93-151, expenses for travel within the level of existing resources, such amounts as are necessary are hereby authorized.

Senate amendment No. 153: Page 40, line 18, strike out "1304(e)(1)(i)(ii)" and insert "4109(d)(1)".

Senate amendment No. 154: Page 40, after line 25, insert:

ADMINISTRATIVE PROVISIONS

Section 301(a)(3) of the Omnibus Budget Reconciliation Act of 1982 (5 U.S.C. 8340 note) is amended by adding at the end thereof the following new sentence: "If the percentage increase in the price index for fiscal year 1985 (as determined by the Office of Personnel Management under section 8340(b) of title 5, United States Code) is less than the assumed increase in the price index for that year, then the increase in the annuity or retired or retainer pay of an early retiree under paragraph (1) taking effect in that fiscal year shall be equal to the percentage increase in the price index for that year (as so determined).".

Section 8344(d) of title 5, United States Code, is amended by striking out "in the same amount on termination of the employment," and inserting in lieu thereof "on termination of the employment in the amount equal to the sum of the amount of the annuity the member was receiving immediately before the commencement of the employment and the amount of the increases which would have been made in the amount of the annuity under section 8340 of this title during the period of the employment if the annuity had been payable during that period,".

Senate amendment No. 167: Page 44, after line 19 insert:

SENATE

"Salaries, officers and employees", $6,752,000;

"Office of the Legislature Counsel of the Senate", $38,000;

"Senate Policy Committees", $86,000;

"Inquiries and investigations", $1,218,000;

Senate amendment No. 168: Page 45, after line 16, insert " "Senate office buildings", $300,000;".

Senate amendment No. 170: Page 46, line 20, strike out all after "judges"," down to and including "Courts" " in line 22 and insert "$3,775,000, of which $3,625,000 shall be derived by transfer from "Expenses of Operation and Maintenance of the Courts" and $150,000 shall be derived by transfer from "Space and Facilities" ".

Senate amendment No. 171: Page 46, line 23, strike out all after "personnel"," down to and including "ers" " in line 25, and insert "$2,500,000, of which $1,000,000 shall be derived by transfer from "Fees of Jurors and Commissioners" and $1,500,000 shall be derived by transfer from "Space and Facilities" ".

Senate amendment No. 199: Page 63, line 20, strike out "$1,900,000" and insert "$3,900,000, of which $2,000,000 shall be derived by transfer from the "Disaster loan fund" ".

Senate amendment No. 211: Page 68, after line 3, insert:

SEC. 305. (a) The Congress finds and declares that—

(1) the competing credit demands by State and local governments, agriculture, business, and consumers, aggravated by massive Federal debt financing and increasing credit demands by foreign governments, continue to cause serious economic disruption in rural America;

(2) the United States has a vital interest in protecting the economic health of American farmers;

(3) the American farmer has been caught in an unprecedented credit squeeze;

(4) monetary and fiscal policies have substantially caused real interest rates to remain at two or three times historic levels of such rates;

(5) high real interest rates have dramatically increased the value of the dollar to the detriment of farmers who devote at least one out of three acres of land to production for export;

(6) the average value of an acre of farm land fell this year for the third year in a row, the longest sustained decline since the Great Depression;

(7) the total amount of debt owed by American farmers is $203,800,000;

(8) last year Brazil, Mexico, Argentina, and Venezuela held $260,000,000,000 in external debt and the interest payments on these loans alone totaled more than $20,000,000,000;

(9) The Governments of Brazil, Mexico, Argentina, and Venezuela have been successful in securing postponements in debt and principal repayments, favorable renegotiations, new loan guarantees, and other special arrangements through private negotiations, assistance from the United States Government, and the International Monetary Fund; and

(10) American farmers have been unsuccessful in obtaining as favorable special treatment from private banks or the Federal Government.

(b) Is is therefore the sense of the Congress that—

(1) the President, in cooperation with the Board of Governors of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to American farmers at reasonable rates and that American farmers be treated no less favorably than foreign borrowers with comparable levels of risk, and

(2) the President, in cooperation with the Board of Governors of the Federal Reserve System, should take noninflationary actions necessary to reduce interest rates which are currently at levels abnormally above the historic real cost of money.

Senate amendment No. 212: Page 68, after line 3, insert:

SEC. 306. Section 5532(f)(2) of title V, Untied States Code, is amended by striking "December 31, 1984" and inserting "December 31, 1985" in lieu thereof.

Senate amendment No. 213: Page 68, after line 3, insert:

SEC. 307. Upon the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985, the first provision under the heading "Legal Services Corporation, Payment to the Legal Services Corporation", in title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985, is amended to read as follows: *"Provided,* That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading 'Legal Services Corporation, Payment to the Legal Services Corporation' contained in Public Law 98-166 except that 'fiscal year 1984', wherever it appears in such provisions, shall be construed as 'fiscal year 1985', 'fiscal year 1983', wherever it appears in such provisions, shall be construed as 'fiscal year 1984'; 'January 1, 1984' shall be construed as 'January 1, 1985'; '$6.50' shall be construed as '$7.61'; and '$13' shall be construed as '$13.57'; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activities which during fiscal year 1984 have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding:".

Senate amendment No. 215: Page 68, after line 3, insert:

SEC. 309. The Secretary of Commerce is directed to submit, within thirty days of the date of enactment of this Act, to the appropriate committees of the Congress a report specifying a proposal to meet the funding obligations of the Fishermen's Guarantee Fund.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendments of the Senate numbered 77, 82, 85, 94, 99, 104, 106, 107, 110, 111, 116, 117, 118, 119, 124, 129, 130, 131, 135, 136, 138, 143, 145, 146, 148, 149, 151, 152, 153, 154, 167, 168, 170, 171, 199, 211, 212, 213, and 215 and concur therein.

The motion was agreed to.

● Mr. LEHMAN of Florida. Mr. Speaker, I rise in support of the motion to recede and concur with Senate amendment numbered 212. This amendment is generally referred to as the "no annuity offset provision" of the Air Traffic Control Revitalization Act. It allows eligible reemployed annuitants to receive their full salaries without an annuity offset. To be eligible, a reemployed annuitant must have retired or applied for retirement prior to August 3, 1981—the date of the controller's strike—and must perform duties in the operation of the air traffic control system at a tower or center or train others to perform such duties. The provisions is scheduled by law to terminate on December 31, 1984. The Senate amendment would extend this termination date to December 31, 1985.

I am advised by the FAA that there are 113 reemployed annuitants covered by this provision. Of these, 102 are full time and 11 are part time. The current total annual salary plus annuity for full-time reemployed annuitants ranges up to $93,437.

In view of the high compensation being paid these personnel, the conferees included language in the statement of managers requiring the FAA Administrator to certify in writing that there is an "unusual shortage" of air traffic controllers before the extended authority is exercised. This certification should also include a justification for the use of this authority and an explanation of why such an "unusual shortage" exists, when such shortage will be alleviated and the means by which this will be accomplished.●

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 81: Page 23, after line 14, insert:

LAND ACQUISITION

For an additional amount for "Land acquisition", $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, for the acquistion of land or waters, or interest therein, in the Atchafalaya Basin, Louisiana, in accordance with statutory authority applicable to the United States Fish and Wildlife Services, including the Fish and Wildlife Act of 1956 and legislation to establish a National Wildlife Refuge within the Atchafalaya Basin if enacted.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

LAND ACQUISITION

For an additional amount for "Land acquisition", $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of land or waters, or interest therein, in the Atchafalaya Basin, Louisiana, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, including the Fish and Wildlife Act of 1956.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 84: Page 23, line 21, strike out "$5,653,000" and insert "$22,000,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows: in lieu of the sum proposed by said amendment insert "$22,653,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 87: Page 24, line 14, strike out all after "$34,650,000" down to and including "operations" in line 17 and insert ": *Provided,* That the Act making Supplemental Appropriations for fiscal year 1983 (Public Law 98-63: 97 Stat. at 326 and 327) is amended under the heading "Bureau

of Indian Affairs" and the subheading "Operations of Indian Programs" as follows:

(1) delete the words "no more than 15.25 acres, excluding roads" and insert in lieu thereof: "30 acres, excluding roads as described in the Memorandum of Understanding dated June, 1984 between the Alaska Area Native Health Service and the Department of Education of the State of Alaska. Such description shall be published in the Federal Register by the Secretary of the Interior".

(2) delete the first sentence in the second undesignated paragraph and insert in lieu thereof:

"No final conveyance of any title, interest, or right shall be made unless the State of Alaska has executed an agreement by October 1, 1984 to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985, and does in fact open such a facility for school operations by September 30, 1985. To assist the State of Alaska in opening such a facility, and notwithstanding the provisions of title 31 U.S.C. 6308, the $22,000,000 appropriated under this heading for use by the State of Alaska in renovating the Mount Edgecumbe school shall be made immediately available, in full, to the State of Alaska upon the execution of the aforementioned agreement, but such funds shall only be expended for facilities to be located within the lands conveyed by this statute. A failure on the part of the State of Alaska to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985 shall cause the interim conveyance made under this heading to terminate.".

(3) insert before the period at the end of the third sentence of the third undesignated paragraph the following: "if the State of Alaska opens a Mount Edgecumbe boarding school facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, then the interim conveyance terminates as of October 1, 1985, and all interest in the lands covered by the interim conveyance, together with all improvements thereon, revert to the United States".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert:

: *Provided*, That for fiscal year 1984, no more than $19,700,000 in total may be obligated or expended for any activities related to automatic data processing operations: *Provided further*, That the act making Supplemental Appropriations for fiscal year 1983 (Public Law 98-63: 97 Stat. at 326 and 327) is amended under the heading "Bureau of Indian Affairs" and the subheading "Operation of Indian Programs" as follows:

(1) delete the words "no more than 15.25 acres, excluding roads" and insert in lieu thereof "30 acres, excluding roads as described in the Memorandum of Understanding dated June, 1984 between the Alaska Area Native Health Service and the Department of Education of the State of Alaska. Such description shall be published in the Federal Register by the Secretary of the Interior".

(2) delete the first sentence in the second undesignated paragraph and insert in lieu thereof:

"No final conveyence of any title, interest, or right shall be made unless the State of Alaska has executed an agreement by October 1, 1984 to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985, and does in fact open such a facility for school operations by September 30, 1985. To assist the State of Alaska in opening such a facility, and notwithstanding the provisions of title 31 U.S.C. 6308, the $22,000,000 appropriated under this heading for use by the State of Alaska in renovating the Mount Edgecumbe school shall be made immediately available, in full, to the State of Alaska upon the execution of the aforementioned agreement, but such funds shall only be expended for facilities to be located within the lands conveyed by this statue. A failure on the part of the State of Alaska to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985 shall cause the interim conveyance made under this heading to terminate.".

(3) insert before the period at the end of the third sentence of the third undesignated paragraph the following: "if the State of Alaska opens a Mount Edgecumbe boarding school facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, 1985, then the interim conveyance terminates as of October 1, 1985, and all interest in the lands covered by the interim conveyence, together with all improvements thereon, revert to the United States": *Provided further*, That of the unobligated balances in "Construction," $856,405 is hereby transferred to "Operation of Indian programs.".

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 92: Page 25, line 10, after "$2,440,000" insert "; and $250,000 to be derived by transfer from unobligated balances of grants to the judiciary in American Samoa for compensation and expenses, and $264,000 to be derived by transfer from operation grants in 'Trust Territory of the Pacific Islands' ".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert: ", and $250,000 to be derived by transfer from unobligated balances of grants to the judiciary in American Samoa for compensation and expenses".

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 30 minutes in support of his motion.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague, the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. MILLER of California. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. BOLAND. I am pleased to yield to my distinguished friend from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Chairman BOLAND, it is my understanding that this legislation contains funds to be allocated by the Environmental Protection Agency for the abatement of asbestos hazards in schools. It is my further understanding that this provision would require the EPA to develop comprehensive guidelines to classify and evaluate asbestos hazards and appropriate abatement options before such funds may be expended.

Mr. BOLAND. The gentleman is correct.

Mr. MILLER of California. I would like to clarify with the gentleman that the committee intends the EPA to improve its technical assistance efforts so as to enable school administrators to make appropriate judgments regarding abatement activities. As I read this language it is my understanding that the committee does not in any way intend to delay the availability of funds to schools for abatement activities or to eliminate local flexibility with regard to abatement decisions.

Mr. BOLAND. The gentleman is correct. The committee recognizes the asbestos hazards vary widely from school to school. It is the committee's intent to require EPA to improve the quality of the guidance and technical assistance it is currently providing school districts. Schools must be better equipped to evaluate asbestos hazards and the abatement options available if they are to control asbestos hazards in a manner that protects the health and safety of school occupants and workers. It is the committee's intention that the EPA undertake efforts to improve technical assistance in this area expeditiously and that this requirement not delay unnecessary the allocation to schools of abatement funds contained in this bill.

I compliment the gentleman from California for the great effort he has made in this area and for his interest

in Federal support for safe and effective abatement of asbestos in schools.

Mr. MILLER of California. I thank the gentleman for his remarks, and for the clarification.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 96: Page 26, line 3, strike out "$3,000,000" and insert "$2,700,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows: in lieu of the sum proposed by said amendment insert "$1,395,000".

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 103: Page 27, strike out line 26, insert:

GENERAL PROVISIONS

None of the funds herein or hereafter appropriated from the Land and Water Conservation Fund for the Bureau of Land Management or the Forest Service shall be obligated for the acquisition of lands or waters, or interests therein unless and until the seller has been offered, and has rejected, an exchange, pursuant to current authorities, for specific lands of comparable value (within plus or minus 25 per centum) and utility, if such potential exchange lands are available within the boundary of the same State as the lands to be acquired: *Provided*, That condemnations, declarations of taking, or the acquisition of scenic, conservation, or development easements shall not be subject to this provision: *Provided further*, That acquisition of tracts of lands of less than 40 acres shall not be subject to this provision.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 103 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

GENERAL PROVISIONS

None of the funds appropriated herein or for fiscal year 1985 from the Land or Water Conservation Fund for the Bureau of Land Management or the Forest Service shall be obligated for the acquisition of lands or waters, or interests therein unless and until the seller has been offered, and has rejected, an exchange, pursuant to current authorities, for specific lands of comparable value (within plus or minus 25 per centum) and utility, if such potential exchange lands are available within the boundary of the same State as the lands to be acquired: *Provided*, That condemnations, declarations of taking, or the acquisition of scenic, conservation, or development easements shall not be subject to this provision: *Provided further*, That acquisition of tracts of lands of less than 40 acres shall not be subject to this provision.

The motion was agreed to.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 132: Page 33, after line 4, insert:

CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1985

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 21, 1985, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 122, Ninety-eighth Congress, agreed to June 29, 1984, $937,000, to remain available until September 30, 1985.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 132 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$786,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 144: Page 35, after line 23, insert:

Notwithstanding any other provision of law, funds appropriated for the design of the renovation of and addition to Brooke Army Medical Center at Fort Sam Houston, Texas, are also available for the design of a replacement facility. The Secretary of the Army shall enter into a contract for the design of this replacement facility not later than one hundred and eighty days after the date of enactment of this Act.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 144 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Notwithstanding any other provision of law, funds appropriated for the design of the renovation of and addition to Brooke Army Medical Center at Fort Sam Houston, Texas, are also available for the design of a replacement facility.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 147: Page 35, after line 23, insert:

None of the funds appropriated in this Act for Military Construction, Navy may be obligated unless the Secretary of the Navy executes the real estate transaction required by section 812 of Public Law 89-115 prior to September 30, 1984.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disageement to the amendment of the Senate numbered 147 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Notwithstanding any other provision of law, the Secretary of the Navy may utilize part of the funds from the sale of property at the Naval Base, Port Hueneme, California, as specified in section 812 of Public Law 98-115, to build replacement facilities.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

Mr. WHITTEN. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LONG] to continue the motions.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 155: Page 41, strike out lines 2 to 15, inclusive.

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House insist on its disagreement to the amendment of the Senate numbered 155.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 156: Page 41, after line 15, insert:

FOREIGN ASSISTANCE MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increased capital stock, as authorized by the International Financial Institutions Act, $30,000,000 for the General Capital Increase, as authorized by section 39 of the Bretton Woods Agreements Act, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable portion of the United States share of increases in capital stock in an amount not to exceed $369,999,991.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For repayment to the International Development Association by the Secretary of the Treasury, $150,000,000, for the United States contribution to the sixth replenishment, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase of the resources of the Fund for Special Operations, $79,500,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States contribution to the increases in resources of the Asian Development Fund, $47,116,170, to remain available until expended.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For an additional amount for "International Organizations and Programs", $42,050,000: *Provided*, That of this amount $40,000,000 shall be available only for payment to the International Fund for Agricultural Development: *Provided further*, That of this amount $2,050,000 shall be available only for payment to the International Atomic Energy Agency: *Provided further*, That of the amount made available for the International Atomic Energy Agency under this chapter and the funds made available for the International Atomic Energy Agency in Public Law 98-151, not less than $7,000,000 shall be available only for the safeguards program.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 156 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAM

For an additional amount for "International organizations and programs", $1,000,000: *Provided*, That this amount shall be available only for payment to the International Atomic Energy Agency: *Provided further*, That of the amount made available for the International Atomic Energy Agency under this chapter and the funds made available for the International Atomic Energy Agency in Public Law 98-151, not less than $7,000,000 shall be available only for the safeguards program.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 157: Page 41, line 19, strike out "$3,895,000" and insert "$4,083,000".

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 157, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 158: Page 41, after line 19, insert:

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $7,000,000: *Provided:* That this sum shall be available only for emergency inland transportation associated with food relief in Africa.

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 158 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $16,000,000: *Provided*, That this sum shall be available only for emergency inland transportation associated with food relief efforts in Africa.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. LONG].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 159: Page 41, line 22, strike out ", to remain available until September 30, 1985".

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House insist on its disagreement to the amendment of the Senate numbered 159.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 160: Page 41, line 25, strike out all after "Fund"," over to and including "expended" in line 24 on page 42, and insert "$70,000,000: *Provided*, That of this amount $10,000,000, to remain available until expended, shall be available only to carry out the provisions of the Clement J. Zablocki Outpatient Facility Act (Public Law 98-266), and that this sum shall be transferred to the Agency for International Development, for "American schools and hospitals abroad": *Provided further*, That of this amount $60,000,000, to remain available until March 31, 1985, shall be available only for the Dominican Republic".

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 160 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $50,000,000 to be available only for the Dominican Republic and to remain available until March 31, 1985.

CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN POLAND

For an additional amount for the "Economic Support Fund", to carry out Public Law 98-266, $10,000,000 to remain available until expended.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. LONG].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 161: Page 43, strike out lines 1 to 4, inclusive.

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 161, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 162: Page 43, after line 4, insert:

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

Pursuant to section 223(e)(1) of the Foreign Assistance Act of 1961, as amended, $40,000,000 to remain available until expended and to be credited to the revolving fund account created by section 223(b).

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House insist on its disagreement to the amendment of the Senate numbered 162.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 163: Page 43, line 8, strike out "$9,650,000" and insert "$7,650,000, to remain available until March 31, 1985".

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 163, and concur therein

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 164: Page 43, strike out all after line 12 over to and including line 10 on page 44 and insert:

CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE

For expenses necessary to enable the President to carry out the provisions of the Central America Democracy, Peace and Development Initiative Act of 1984, the Foreign Assistance Act of 1961, as amended, and for other purposes, for assistance for Central American countries, to remain available until March 31, 1985, in addition to amounts otherwise made available for such purposes:

AGENCY FOR INTERNATIONAL DEVELOPMENT

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

For an additional amount for "Agriculture, and rural development, and nutrition, Development Assistance", $100,000,000.

POPULATION

For an additional amount for "Population, Development Assistance", $5,000,000.

HEALTH

For an additional amount for "Health, Development Assistance", $18,000,000.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

For an additional amount for "Education and human resources development, Development Assistance", $10,000,000: *Provided*, That of this amount not less than $2,000,000 shall be available only for the International Student Exchange Program.

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES

For an additional amount for "Energy and selected development activities, Development Assistance", $30,000,000.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $290,500,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating expenses of the Agency for International Development", $2,489,000: *Provided*, That not less than $727,000 shall be available only for the activities of the Inspector General's office.

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount to carry out the provisions of the Peace Corps Act (75 Stat. 612), $2,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $197,300,000, notwithstanding the limitations and restrictions contained in section 101(b) of Public Law 98-151.

GENERAL PROVISIONS

Funds may be made available for development assistance for fiscal year 1984 for Guatemala notwithstanding the provisions of Public Law 98-151.

Funds under this chapter are made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 164 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $64,750,000, to remain available until September 30, 1985, to be allocated only as follows notwithstanding any other provision of law: El Salvador, $40,000,000; Costa Rica, $7,850,000: Honduras, $10,000,000; Panama, $2,500,000: Regional Military Training Center, $3,100,000; and Panama Canal Area Military Schools, $1,300,000: *Provided*, That no fund may be obligated or expended for Costa Rica until a written request for these funds is received from the President of Costa Rica: *Provided further*, That no funds may be obligated or expended for Costa Rica that would result in an expansion of existing security forces or the introduction of new weapons systems.

ECONOMIC SUPPORT FUND

For an additional amount of the "Economic Support Fund", $105,000,000, to remain available until September 30, 1985, to be allocated as follows notwithstanding any other provision of law, Costa Rica, $60,000,000; El Salvador, $25,000,000: *Provided*, That any of these funds which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds; Honduras, $20,000.000.

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount for "Peace Corps", $1,000,000, to remain available until September 30, 1985.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. LONG] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. LONG].

Mr. LONG of Maryland. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise to urge that we consider, for El Salvador, $40 million in supplementary military aid. This would provide approximately $1 million a day for the remainder of the fiscal year, and that is three times the current pay-out of $7.5 million a month. Surely that is an adequate amount for the remainder of the fiscal year. It will provide for the tactical mobility that the Salvadoran Army requires and provide for any extraordinary needs incurred between now and September 30.

Less than 2 weeks ago, I publicly announced that I would recommend, as Chairman of Foreign Operations, Military Aid to El Salvador that was almost identical to the request of the administration. Beginning October 1, over $123 million in military aid will be available to El Salvador. That amount would approximate current spending levels for fiscal year 1984. However, the administration would change that formula, by almost doubling the current level today.

In the first 10 months of the fiscal year, the amount of military aid to El Salvador has been $125.7 million; $20 million of that was made available on May 24, when the nuns' case was decided. Another $61.7 million was made available only 7 weeks ago, when the

urgent supplemental—which I supported—passed.

Now, in the last 45 days of the fiscal year, the administration wants another $116 million in military aid, nearly double current levels. How could they possibly use that much money effectively in so little time?

What happened to this administration's talk about not throwing money at problems?

What happened to this administration's talk about balanced budgets and fiscal responsibility?

An additional $116 million in military aid, and another $290 in economic aid—which is more that double what we have already appropriated—would mean that aid to El Salvador has increased over 200 percent since 1983. And we cannot even agree to increase American defense spending 7.5 percent.

What the House sent out was a fair and moderate bill that increased foreign aid by $230 million, but the administration's bill increased aid by $1 billion. And $430 alone is in Central American aid.

There must be a limit to the fiscal irresponsiblity that the administration talks about but does more to perpetuate than any one else.

In March, 1981, the administration projected that the fiscal year 1984 deficit would be a mere $500 million—in fact it is $180 billion.

The administration wanted to save money—but look at what they have cut: From 1982-1985, child nutrition has been cut 28 percent—$5 billion; guaranteed student loans have been cut 27 percent—$3.8 billion; AFDC—cut 13 percent—$4.8 billion; Community Service block grants 39 percent—$1 billion; and the administration has requested further cuts fiscal year 1985 that total $18.9 billion Yet, while we cannot properly take care of our own domestic needs, and face huge budget deficits that threaten to keep interests rates high, this administration would throw away another billion dollars.

We need not do this. We can be fiscally responsible. And we must not cave in to the ridiculous notion that if we do not pass this money we are deserting President Duarte of El Salvador.

I have met with Mr. Duarte as much as any Member of this Chamber and I admire what he was done since taking office. And for that reason I was pleased to see the money that has been made available, the $20 million on May 24, and the $61.7 million on July 26. And I was happy that my subcommittee, at my urging, voted recommend $123 million beginning October 1.

But what does it do for Mr. Duarte to turn around and give him $116 million in military aid and $290 million in economic aid, earmarked for fiscal year 1984, when there is only a few weeks remaining in the year?

We have tried to be prudent; we have tried to be fair; we have made a good-faith effort just as President Duarte has made a good faith effort, and we have voted aid to his country. But what we are asked here today goes way beyond any good faith effort; we are being asked to act irresponsibly with the taxpayer's money. And I for one, who considers himself a warm supporter of Mr. Duarte, must hold the line and say no.

□ 1420

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman.

Mr. STRATTON. I took the floor several weeks ago following the return of the Armed Services Committee from a visit to El Salvador and Nicaragua and pointed out that we have a new, very dynamic President in the Republic of El Salvador in Mr. Duarte. He is taking charge of the military. He is revising the military. He is eliminating the death squads. He has transferred those that he believes are not supportive of the Government.

The gentleman from Maryland says that we have already provided this money and that money and some other money. The point is that Mr. Duarte has got to get military aid if he is going to provide the kind of military protection for the economic effects that we have provided.

Mr. LONG of Maryland. I did not yield to the gentleman for a long speech.

The SPEAKER pro tempore. The time of the gentleman from Maryland [Mr. LONG] has again expired.

Mr. CONTE. Mr. Speaker, I yield 8 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Speaker, I am somewhat surprised that my friend, the chairman of the Subcommittee on Foreign Operations, would make this case on the side of so-called fiscal responsibility. I do not think anybody in this Chamber does not want to find places to reduce spending, and of course I stand second to none in that regard.

But what does the gentleman from Maryland think the case would be in terms of fiscal responsibility if we lose the chance to build a democratic system in El Salvador and throughout Central America? What would be the cost to America? What would be the cost to the United States of having a guerrilla victory in El Salvador?

Mr. Speaker, most of the bipartisan spirit that we achieved in foreign aid programs over the past couple of years has been due to those in this Chamber who would like to build up the center of the political system, not just throughout Central America but particularly in El Salvador.

We found in the election of Napoleon Duarte a chance for a true democrat to come to power and work on those economic and social and political, and yes, security needs for that emerging democracy.

Is it perfect? To be sure, it is not.

It was my privilege to serve on the Kissinger Commission with the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Maryland [Mr. BARNES], and JIM WRIGHT, and a bipartisan group of members of both parties, including labor union members such as Lane Kirkland, Robert Strauss, the former chairman of the Democratic National Committee, Henry Cisneros, the mayor of San Antonio, and Carlos Alejandro Diaz, professor of economic development at Yale University. What emerged from the bipartisan effort was the conviction that if, over the next 2 years, that is fiscal years 1984 and 1985, we have a program to enhance the capability of the Duarte government to deal with the social conditions, the economic conditions, and the security conditions, we would have a chance, just a chance, mind you, of not only seeing Duarte's freely elected government succeed but of giving peace and democracy a chance. And I would suggest to you that the Long amendment is woefully inadequate to come anywhere near the bipartisan recommendations of the Kissinger Commission for El Salvador.

Let me give you some of the facts at my disposal which suggest that the chairman somewhat misstated, if you do not mind me saying, Dr. LONG, the amount of money that is available in El Salvador to spend between now and the start of fiscal year 1985.

It is true that the chairman of the subcommittee has provided a near total commitment to the President's request for security assistance for fiscal year 1985 and I applaud him for that effort. But the issue is the moneys that are now available to buy the helicopters, to buy the medical-evacuation equipment, to buy trucks and to provide the tactical mobility on the ground to give the El Salvadoran troops the ability to respond to the guerrilla activities that are taking place in El Salvador as the extreme left tries to destabilize the government and that emerging democracy.

The goal of the extreme left is to destabilize El Salvador, and in order to respond to the attacks by the guerrillas out in the field the El Salvador troops need the capability and the mobility to move throughout the country to those areas with a quick response time.

Now, ladies and gentleman, let me tell you, they have 23 helicopters, 16 of which are available to move troops.

They are trying to buy some more and we must provide them some modern equipment to enhance the capability of government forces to respond. This money that the chairman says they have already received has all been obligated for 1984. There is little money left for 1984. If they are to buy helicopters and trucks, if they are to buy medevac equipment, if they are to buy the communications equipment to give them the ability to respond quickly to a challenge, they must have this additional money in this supplemental.

I plan to offer an amendment if this Long amendment should go down to defeat, which I hope it does. I think there will be a strong bipartisan support on the floor for the amendment offered by the gentleman from Pennsylvania, Mr. MURTHA, and myself in furtherance of the Broomfield-Murtha authorization bill which passed in May. The purpose of our amendment will be to provide $70 million of security assistance to El Salvador, plus another $65 million, for a total of $135 million for military assistance to the whole region. That would include Panama, that would include Honduras, and that would include Costa Rica—which does not even have an army.

I ask my colleagues, in order to get to a position where we can provide some of the money that were recommended by the Jackson plan, as built and shaped into a bipartisan consensus by the Kissinger Commission, we must vote down the Long amendment, and then move to consider the Murtha-Kemp amendment which would provide the following:

□ 1430

The $70 million for development assistance, $290 million for economic assistance for the whole region, $2 million for the full funding of the Peace Corps, $140 million for military assistance for the whole region, of which $70 million is earmarked for El Salvador.

Ladies and gentlemen, the administration requested $240 million for military aid for El Salvador, pursuant to the Kissinger Commission recommendations for 1984. To date, we have appropriated $125 million. We are only asking, Mr. MURTHA and myself, for another $70 million to allow them to buy the communications equipment, the helicopters, the trucks, the medical support and logistics are supplies to permit the El Salvador army to fight in the field, with some change of success.

It seems to me it would be a mistake simply to take the $40 million for El Salvador, with no additional money for Honduras Panama, and put such restrictions on Costa Rica that they probably count not even spend the money because it would be such a slap in the face to that democracy that we call the jewel of democracies in Central America.

And I ask my colleagues: Is it really the intent of this body to emasculate the opportunity for this tiny little democracy to improve the lives of the people of El Salvador?

I want to make one last point. The issue is not just a signal that we are going to be sending to Central America, my friends; the issue is not just security assistance to El Salvador.

I just made a call to President Jose Napoleon Duarte to ask him how important this was to him. He said:

Mr. KEMP, the security assistance is critical but this is a vital political signal to our country as we build our Government's ability and deal not only more effectively with the extreme left but also with the extreme right.

Everyone who has gone to El Salvador from the U.S. Congress in the last 2 years has said, "Mr. Duarte, if you win we are going to help you in a partnership to build democracy in El Salvador."

He won the election. He was inaugurated and since his inauguration there has not been one vote on the floor of the House manifesting that partnership that we said would be there if he should be inaugurated as the new President and helped make the reforms we asked of him.

I ask my colleagues, I ask my colleagues on a bipartisan basis to please not pull the rug out from under that fledgling government's opportunity for building up the strength of democracy in El Salvador, do not turn your back on those other countries, do not turn your back on the Kissinger Commission and the economic assistance critical to building up the hopes for prosperity in Central America. Let us not walk away from Mr. Duarte when he and his people need us most; let us give him a chance.

But more than Duarte, let us give democracy a chance in Central America by voting down the Long amendment, then enacting the Kemp-Murtha amendment.

Mr. LONG of Maryland. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I guess it is always gratifying for Members of Congress to play on the broad stage of world events and use apocalyptic terms and phrases and pictures. But we are talking about an appropriation bill.

This bill contains numbers. And I would like to suggest to you what the numbers are that we are talking about, to refute the impression that would be left by the gentleman from New York that somehow we are destroying the assistance program for El Salvador.

Some very simple facts: This bill is 212 percent above 1981 for Central America, 212 percent. For El Salvador this bill is 257 percent above 1981. It is 58 percent above fiscal 1983, and this is a fiscal 1984 bill which we are dealing with.

I do not believe that a 58-percent increase in aid to El Salvador in 1 fiscal year is destroying our ability to help El Salvador, Mr. Duarte or any other politician you want to name in that country.

The fact is we have 50 days left in this fiscal year. At the present time our aid program to El Salvador is spending out at the rate of about $12 million a month.

Chairman Long's amendment would provide $40 million which is almost double the present spend-out rate per month. It provides you over half a million dollars a day. That ain't hay.

I would suggest to you that you recognize that the issue is not whether we like Mr. Duarte or not. I think all of us feel that he is the best shot that we have to preserve a Government in El Salvador which can promote the ideals of democracy and prevent right and left from destroying the country and the region.

The issue is very simply: How much is enough?

Mr. KEMP was very clever in his assertion that this House has not voted any additional assistance for Mr. Duarte since he was elected. But I want to tell you that that is a sleight of hand. This House did vote immediately after Mr. Duarte's election, we did vote to give him an additional amount of money.

He came up here and impressed everybody: All of the newspapers were filled with the stories. You know that because Mr. Duarte won the election we did provide a very large additional pot of money for him to use in this fiscal year.

What is happening here is this: If the administration gets this amount today, then they will be able to say 7, 8 months from now, "Now look," even though our subcommittee just provided for the fiscal 1985 bill virtually all the money that they wanted they will then be able to say, "Gee whiz, even though you provided everything we asked for in 1985, you are below your spend-out rate for 1984. So now we have to come in with another supplemental."

That is the way you will continually ratchet up this bill. I ask you to keep in mind, this bill does not emasculate our aid program to Central America or El Salvador. It is 257 percent above 1981 and 56 percent above 1983 and I think that is quite enough.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the amendment being proposed by the gentleman from Maryland, and in support of the amendment that will be offered by the gentlemen from New York, Mr. KEMP and Mr. MURTHA.

Mr. LAGOMARSINO. Mr. Speaker, my colleagues, I rise in strong support of the Kemp amendment that will be offered if the Long amendment fails, and in opposition to the Long amendment.

In May we voted to authorize the fund and conditions recommended by the Jackson plan for Central America. And I think we must follow through.

Earlier this week José Napoleon Duarte, elected President of El Salvador, sent a letter to President Reagan expressing his desire for increased assistance to his country.

He said in that letter:

I understand that the U.S. Congress is presently debating the Jackson plan. Because that debate will so profoundly affect my country and the region, I am writing to express to you my belief that passage of this aid is vital. We in Central America are confronting many problems simultaneously—underdeveloped economies, fragile democratic structures, and hostile forces seeking to impose their solutions by force of arms.

We are prepared to shoulder fully our responsibilities to assure the economic well being, freedom and peace of our nations. We do not ask for U.S. combat troops. We know that we must act decisively to strengthen further democracy, human rights and free enterprise.

I hope the American Congress will promptly enact the supplemental legislation this year and the legislation for next year not only for my own country, but for the entire Central American region.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate the gentleman on his statement. What Mr. MURTHA and I are trying to do by opposing the Long amendment is to give the House a chance to support, on a bipartisan basis, an adequate and prudent response to the needs of Central America.

What we tried to do, I would say to my friend from California, is shape a prudent and responsible amendment that comes in under the Senate numbers, yet comes in higher than the inadequate Long numbers, and provides what most liberals and many of us on the more conservative side of this issue have long wanted, more economic and development assistance for El Salvador and Central America plus needed security assistance. Under the Long amendment, there would be inadequate security assistance and next to nothing for the economy.

□ 1440

But let me just say one other word to my friend from California.

I called the President of El Salvador, Mr. Duarte, just a few moments ago just to talk about whether the situation was as urgent as some of us think it is. He said, "Congressman, the far left, the guerrilla left, is planning a fall campaign for one purpose alone: to destroy our chances of establishing democracy for El Salvador."

Yes, the money planned for 1985 will be important, but we need this money now for the very things that we have all said that we supported, economic security assistance to our friends and allies in Central America and to help prevent a Communist victory in El Salvador.

Mr. LONG of Maryland. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would hope that we would adopt the Long amendment to provide the $40 million. I am not happy with that amount. I think it is excessive for the purposes and the commitments which need to be met over the next 45 days in El Salvador.

This Congress has been more than generous with the Government in El Salvador, recognizing the mission apparently that it believes that can be carried out.

To suggest that this Congress ought to simply let loose its purse strings between now and the end of the fiscal year and again in the new fiscal year in 1985, because José Napoleon Duarte has been elected President, I think is a very bad mistake.

I happen to believe that one of the strengths that President Duarte has in his effort to change that society, and he has made rather remarkable strides in the reductions of the death squads, and in trying to put some of the economy back together, is the strength that the U.S. Congress is looking over his shoulder. Not simply to open the floodgates.

If my colleagues will review American history, you will see that we have done this before. We get an election, we get all excited about a personality and based upon a foreign policy and based upon personality, we open the floodgates. What do we find? We come back with stories of corruption, we come back with stories where people have lied to us, we come back with stories where goals that we have set have not been met.

I think we ought to be prudent. This is a society that tragically has had a history of violence, a history of violence within its political system for years and years and years.

Now we have a ray of hope. That ray of hope ought to be encouraged and that ray of hope ought to be guided. I think the way we can do that is so that we provide him the leverage of understanding that we are watching, that we have sent notice to the left and the right, that we have sent notice that what we expect is a growth and a change in that society.

But you do not just do that by simply opening up the floodgates of the U.S. Treasury at a time that is most difficult for us.

Mr. LONG of Maryland. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. SHANNON].

Mr. SHANNON. Mr. Speaker, I want to remind the Members of the House that it is only the House of Representatives which has prevented this policy that the President has been trying to pursue in Central America from getting carried away. It is only this institution that has provided any restraint and any discretion and any incentive for the military of El Salvador to reform itself, to clean up its act.

If we here today say that we are no longer going to require that kind of restraint, we are no longer going to require that the military be kept on a short leash, then I think we are going to regret it.

If we let it go now and if we say once again, I remind my colleagues this is the fourth time this year that this institution has approved additional military funding for El Salvador; if we increase it one more time, then what incentive is there going to be for the military to stop the death squad activities; what incentive is there going to be for those who want to seek continued military support in the next fiscal year, to make some progress in the next 2 or 3 or 4 months? There will be none.

That is the point that we have to face today. This is an extravagant request for military assistance. It is sure to increase the killing; it is sure to increase the bloodshed; it is sure to increase the level of the war; it is sure to hamper efforts to bring about a negotiated settlement. It is a mistake which we will regret.

So, let us not once again in one generation in this country blunder our way into a tragic mistake. Let us not once again nickel and dime our way into direct intervention in a war. That is what is happening today. You cannot justify it by saying it is just a little money, it is just for a short period of time.

It is a lot of money for a country the size of El Salvador. And it is a short period of time for a lot of money. It is going to intensify the volume of the war and we cannot let that happen.

We have been prudent in the past. Let us be prudent today. Let us live up to our responsibilities and keep this policy from getting out of hand.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Speaker, I just take the time to ask the gentleman from Massachusetts, if he knows that the language in this bill and accepted on both sides of the aisle is the language presented to the other body by the Senator from Massachusetts [Mr. KENNEDY]. This language is strong, it ties the money down and it is as fully restrictive as we have ever put on aid to El Salvador.

Will the gentleman accept the Kennedy language?

Mr. SHANNON. If the gentleman will yield, I say to the gentleman, I do not care who presented this language in the other body.

I think an increase in military assistance is a disaster.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank my distinguished colleague from Massachusetts for yielding time to me. It is very generous of him to do so from his side of the aisle. I really appreciate it.

Mr. Speaker, George Bernard Shaw once asked a very proper lady of his time if she would go to bed with him for $1 million.

She said "Of course," she would.

And then he asked, "Would you go to bed for $2?"

She drew herself up and said, "What do you think I am?"

He said, "We have already established that fact. We are now haggling over the price."

I tell that story to remind the Members on my side of the aisle that $40 million is haggling for the price. The fact is that we have given El Salvador $62 million, plus $19 million: for a total of $81 million in the course of roughly the last 2 months; since Mr. Duarte has become President.

He has more than enough to spend until October 1, the beginning of the new fiscal year.

Three years ago, the administration told us that the war would last from 1 to 2 years. At the time, Salvadoran security forces numbered just over 10,000, and the guerrillas less than 5,000. Today, we are now told—after the United States has sent nearly $1 billion dollars in U.S. economic and military aid—we are told the war can be expected to last another 3 to 5 years. The guerrillas are now 9,000 to 12,000 strong, and they effectively control nearly one-third of El Salvador.

Even larger sums of military aid have not brought us any closer to peace. The path provided by the administration will not bring us to the end of the tunnel.

I urge my colleagues to cast their vote with and for the people of El Salvador; I urge you to vote for peace and to support the aid levels approved by the House last week.

I urge you to vote down both the Long and the Kemp amendments.

Mr. CONTE. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, we have heard a great deal about how much money El Salvador is getting under the chairman's amendment.

We have heard that it is opening the floodgates. We have heard that it is a great deal of money. We have heard that there is no restraint, even with the meager amount that Chairman LONG is recommending to this House.

However, I venture to say that it is Kemp-Murtha, rather than this chairman's amendment, which is actually in order; Kemp-Murtha is what is needed. It is consistent with the edict of the bipartisan Kissinger Commission, which said in essence: "The worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully."

Now I rise in support of the Kemp-Murtha amendment, Mr. Speaker, and against the Long amendment, because regardless of how large an amount of money is set aside for El Salvador in the Long amendment as alleged by the gentleman from Wisconsin, if you aggregated everything that El Salvador has gotten since 1946, that nation has only been given, in economic and military assistance, a total amount of around $1 billion.

□ 1450

Now, that sounds like a lot of money; Mr. Speaker, I do not begrudge that fact. However, in comparison to the aid programs provided on a yearly basis to some countries we assist each year, it is a very meager amount. We give $2.6 billion a year to the country of Israel. We give about $2 billion a year to the country of Egypt. We give $750 million a year to the country of Turkey. So when you say that we are spending a great deal of money on Central America; when you say that we are spending a tremendous amount of money in El Salvador; you must also realize that we have only spent a billion dollars in economic and military aid over a space of almost 40 years. Well, Mr. Speaker, I would beg to differ with the people who espouse that point of view. When compared to other nations of interest to the United States, we have spent very little on El Salvador.

The fact is that since 1982, we have consistently cut the President's requests. In 1982, we cut his request from $117 million in military aid to $82 million; in 1983, we cut his request from $136 million to $81 million in military aid for El Salvador; in 1984, we cut his request from about $248 million—it is going up because the war has been accelerated by the Marxist insurgents, to $107 million.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would like to point out that even without the House subcommittee action on the supplemental, the overall foreign aid bill is 51 percent above the 1981 levels. Can the gentleman name another domestic appropriation bill which is 51 percent above 1981 levels?

Mr. LIVINGSTON. Well, the gentleman makes a point. However, there is a war going on down in El Salvador, and the gentleman from Massachusetts, who spoke just before me, said that this was too much money to spend and that we should unilaterally withdraw our funds and our support from that little country that has gone to the polling places three times in the last 2 years to elect their own constituent assembly, their own president, and their own constitution.

Mr. OBEY. Will the gentleman yield on that?

Mr. LIVINGSTON. No. I would like to just finish my point.

The country of El Salvador is participating in a democracy, and they are extremely beleaguered and hard-pressed to maintain that democracy under the threat of constant violence committed from without by an armed malevolent force that is blowing up their powerplants, their bridges, and their whole transportation system, and killing off their political leaders, their religious leaders, and their industrial and union leaders.

Mr. OBEY. Will the gentleman yield on that point?

Mr. LIVINGSTON. No. I have very little time. The gentleman can seek his own time.

I would simply sum it up by saying that in relation to the amount of assistance that this country provides other nations throughout the world, particularly those countries in the Middle East, we are neglecting our responsibilities by not paying more attention to those poor little neighbors of ours on this same continent in Central America.

The fact is that those folks are facing an onslaught of immense proportion, and yet we have only supplied a billion dollars since 1946, as compared with $2.6 billion for Israel in this year alone, as well as tens of billions of dollars for the Middle East over the last 40 years.

Mr. OBEY. Did the gentleman say "only a billion"?

Mr. LIVINGSTON. Only a billion since 1946, as opposed to $2.6 billion for Israel in a single year.

Mr. OBEY. Only a billion.

Mr. LIVINGSTON. $2 billion for Egypt alone in this particular year.

The SPEAKER pro tempore. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. CONTE. Mr. Speaker, I yield 30 additional seconds to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman, and I will simply sum up and point out, Mr. Speaker, that we are not providing sufficient assistance for these countries under the Long amendment. I would urge support for the Murtha-Kemp amendment.

Mr. LONG of Maryland. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, I want to say to the previous speaker that we have spent $1 billion since 1947 but most of it in the last 3 years.

But once again the administration is pursuing what I consider the immoral tactic of linking food assistance to the hungry with military aid to El Salvador, and the two issues are not related, should not be put in the same legislative package. That was the position of the House when we first passed the supplemental appropriation.

I urge my colleagues to join me in remaining firm. I agree with the spirit of what Chairman LONG is trying to do. But for nearly 4 years this administration has been pursuing a policy of military escalation in El Salvador as the answer, the only answer to economic, social and political problems of the region. The results of this policy speak for themselves. Tens of thousands of civilians in El Salvador have been killed and a flood of half a million more have sought sanctuary in our country.

As recently as the end of March, the Under Secretary of Defense for Policy, Fred Ikle, testified that as much as half of the guerrillas' weapons in El Salvador are acquired from the United States.

From the very arms shipments that are paid for by our American people through these spending measures there is something very desperately wrong when we give to both sides of the conflict. Our neighbors to the south agree and urge us to abandon the dangerous military approach and try the Contadora process instead. But this President on just about every level does not believe in joining in dialog, only military solutions. Congress has already approved more than $100 million of our taxpayers' money to El Salvador this year. Let us not compound the damage already done. The American taxpayers have had it, and they want us to act and end our foreign aid practices.

In addition, how can we give additional aid to the Defense Minister Vides Cassanova who was allegedly engaged in a coverup of the murders of the American missionaries. Our aid has enough blood on its hands.

Mr. LONG of Maryland. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. BARNES].

Mr. BARNES. I thank the distinguished chairman for yielding to me.

Mr. Speaker, I want to commend the chairman of the subcommittee for crafting what is a very reasonable and very responsible amendment that brings together I think a majority, ought to bring together a majority in this House of Members on both sides of the aisle who are looking for a compromise between the House position on this issue, which was zero, and the Senate position on this issue, which was $116.7 million.

The authorization, you remember when we passed the Broomfield amendment earlier this year over a very tough debate here in this House, a very close vote, the authorization for the supplemental this year was for $47 million. The chairman has come forward with an amendment today of $40 million, a little under the authorization, the substitute which I understand will be offered by the gentleman from New York would be $70 million, $23 million over the authorization, so we are looking at Chairman LONG's amendment as being right in line with what the House did just a couple of months ago when we adopted the authorization bill, the Broomfield amendment, which was supported by the Reagan administration, which passed this House on a very, very close vote.

It has been suggested that if you do not vote for the full amount, the $116 million, or at least the Kemp amendment, the Kemp amendment which is $70 million, you are somehow not doing what the National Bipartisan Commission on Central America, the Kissinger Commission, said you ought to do.

Well, as anybody who has read the Kissinger Commission report knows, the Commission was careful to say that it did not know how much military aid was necessary to provide for El Salvador. It noted how much the Pentagon has asked for, but it did not say that the Congress should appropriate that amount. It simply noted that that is how much the Pentagon had asked for.

So there is no recommendation from the Kissinger Commission as to how much money you should vote for this afternoon, whether you should vote for Chairman LONG's amendment or the Kemp amendment. The Kissinger Commission is silent on that issue. But the Long amendment is a very reasonable one. It calls for $40 million. There is still $10 million in appropriated funds that have been unobligated, it is sitting there, it can be obligated. That is the total, the $10 million from Chairman LONG, the $10 million from unobligated funds that is still there, of $50 million for the remainder of this fiscal year. Well, today is August 10. There are 50 days left in this fiscal year. If you vote for Chairman LONG's amendment, you are providing $1 million a day in military assistance to El Salvador. So when some of our friends in the Republican Party stand here on the floor and say you are selling out democracy in Central America, well, that is just nonsense. It is a perfectly reasonable and responsible amendment that any Member of this House ought to be able to vote for.

I say to my friends principally on the Democratic side who do not want to vote for anything, who want to vote for zero and who have said they are going to vote against the Long amendment and they are going to vote against the Kemp amendment because they do not think we ought to provide any more military assistance, the administration has been to the well again and again this year, that is true, they have, but this is the best you are going to get. You are not going to get lower than $40 million.

So I would urge my colleagues who want the lowest figure possible to vote with the chairman, to vote with Chairman LONG. It is a lot more than many of us wanted. I had a discussion with the chairman earlier and I urged a lower figure, and the chairman earlier had been standing by the House position, which was zero. I understand your concern. But this is the best you are going to get.

□ 1500

There ought to be a responsible, moderate majority in this House that will vote to give this $40 million. That is a million bucks a day for the remainder of this fiscal year. It is a reasonable amendment; vote for Chairman LONG.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to make two points that I think have perhaps been overlooked. One is that there is a lot of figures that have been bandied around here about how much El Salvador has gotten and how it has not gotten, but the fact of the matter is that for a very long time, the distinguished chairman from Maryland refused to provide any kind of military help. It was going down the drain. It was useless.

The second point that I would like to make is that the new leadership in El Salvador under President Duarte, who is the commander in chief of the military down there, has only been in office for a little more than a month and a half. What the President told our Armed Services Committee when

we visited there, in the paper this morning, the front page of the Washington Post, it said that there was a honeymoon with Congress as a result of Mr. Duarte's leadership, but the President told us that the honeymoon was only 12 hours long. Where was the money that he needed? Not just the money for the economy, but the money to handle the military threat.

It is an open secret, as General Gorman has already indicated here on Capitol Hill, that the guerrillas are planning a Tet-type offensive to be carried out this fall. What we need here is not money that has been appropriated or impounded or whatever, it is money to buy helicopters, to buy communication equipment and to buy ammunition.

In fact, we were amazed at the effectiveness of the El Salvador military when that dam was blown up, they got in there very quickly because they had 23 overaged helicopters, and the President said, we need some modern helicopters, and I do not think this $40 or $50 million is going to be enough to stem that Tet-type offensive.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. KEMP. I thank the gentleman for yielding.

I would like to congratulate the gentleman on his comments, and remind my colleagues that when the El Salvador troops met the challenge of the attack on the dam, they actually had to go out and commandeer private trucks. They do not have enough trucks to move their troops into those areas under challenge. This money, Mr. BARNES from Maryland said they got $1 million a day. Ladies and gentlemen, they do not have the trucks, they do not have the helicopters, and they do not have the ammunition. The gentleman from Maryland has sat on the Kissinger Commission and listened to the problem and now says they got $1 million a day.

If you believe that, you are going to sink democracy in El Salvador thanks to the gentleman from Maryland.

Mr. STRATTON. I support the Murtha amendment and the Kemp amendment. I think this is the kind of thing that can bring an end to that Tet-type offensive.

Mr. LONG of Maryland. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding me this time.

Mr. Chairman and my colleagues, I rise in reluctant support of the Long amendment and in vehement opposition to the Kemp amendment which may follow if the Long amendment is defeated.

I cannot, for the life of me, understand what the rush to provide this additional money to El Salvador in the context of this particular supplemental appropriation is all about. A supplemental appropriation bill is designed to provide resources which were unanticipated on an emergency basis in a situation where the recipient of those resources needs them immediately. Whatever else you may want to say about El Salvador, it does not apply to this particular bill at this time.

We have already, for fiscal 1984, given them $126 million. In this House, we have authorized $132 million for the beginning of the next fiscal year which starts on October 1. There is $50 million which is still in the pipeline in military equipment which has not been delivered to El Salvador but which is en route.

If the Kemp amendment were to be adopted, none of the military equipment which would be purchased with that money would probably reach El Salvador before the beginning of the fiscal year on October 1. When the fiscal year arrives on October 1, El Salvador will be eligible for another $132 million.

Some people may say, OK, even if there is not an emergency, even if a supplemental appropriation is designed to deal with emergency requests, El Salvador can use the money anyway. Let me tell you something: Just as you cannot solve problems at home by throwing money at them, you cannot solve problems abroad by throwing money at them either.

In the last 4 years we have been given the Government in El Salvador more than 10 times as much military assistance as the guerrillas have received in support from Cuba and Nicaragua. Yet in spite of that, the guerrillas are doing better today than they did 4 years ago. Why is it? It is not because we have not given enough military assistance to El Salvador; we have given them 10 times as much as the guerrillas have received. It is because the main problems confronting the Government of El Salvador have much more to do with ineffective leadership, with inadequate motivation, with corruption, with the existence of death squads, and indiscriminate killings on the part of the security forces.

We could give them all the money in the world, and it would make relatively little difference unless they get their own act in order. Now we know they have a President in El Salvador, Jose Napoleon Duarte, who wants to get his act in order. He is committed to the things in which we believe, in democracy and decency. He wants to get rid of the death squads, and if he can do that, then I think we ought to give them all the aid they can use and more. But he has not demonstrated that yet, and I think therefore, it would be premature to give them all this extra money now.

I urge a vote for the Long amendment on the ground that it is the lesser of the two evils.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. I thank the gentleman for yielding to me at this time.

Mr. Chairman, I listened with interest to the words of the majority leader of this House, JIM WRIGHT. He gave one of his usual great speeches, and when he spoke about giving a transfusion to a friend, he said you do not give it a half pint at a time.

I think it was a great speech. I think it was appropriate then, and I think it is appropriate now. Unfortunately we hear all too often people talking about the administration's policy in Central America or President Reagan's policy in Central America.

It is not just one administration or one individual, it is America's policy in Central America.

I got off the phone 15 minutes ago with Lane Kirkland. As a member of the Kissinger Commission, he had a lot to do with putting together what our policy was going to be in Central America. We did not speak in terms of the amendment here, but of one in the Senate and how he supports the increased economic and military aid for El Salvador. He said, to use his own words, "Let us give democracy a chance."

This was not Ronald Reagan; this was Lane Kirkland. If that is not a cross-section of America, I do not know what is. But I would hope that we can try to keep politics out of this situation. My colleague from New York [Mr. STRATTON] spoke about a recent trip that the Investigations Subcommittee of Armed Services took to El Salvador. I was with him on that trip. I encourage the Members to read our report. It is not the administration's report; it certainly is not a Republican report. As a matter of fact, there were, I believe, six Democrats and two Republicans.

We agreed, after talking with President Duarte, that he is making every effort to make democracy flourish. I said to him, "You did a great job when you were in Washington; you explained a lot of things, and answered a lot of questions people had on their minds." And I said, "I really think you are headed in the right direction." He reponded, "I appreciate your kind comments, but we have seen no action since then."

As the majority leader, said, if you have a friend who needs a transfusion, do you give it a half pint at a time? For some of the people in this Chamber whose constituents might think that El Salvador is a faraway place, with a strange-sounding name, I have news for you: If you leave Washington

and fly to New Orleans, and then go from New Orleans to El Salvador, the second flight is a lot shorter.

□ 1510

As a matter of fact, you can walk it in 14 days, and people are doing it every day because of what is going on down there. If you want to test it, go to one of your local restaurants right here in Washington and order a nice dinner, and then sneak up to the kitchen and yell, "Green Card!" Tragically, it is probably going to be the most orderly evacuation since Dunkirk. A lot of those people have fled here from Central America, having given up hope in their homelands. We now have an elected government, a democracy, in El Salvador. It deserves our support.

They have 23 helicopters. Big deal. I will bet that this morning in the New York metropolitan area more helicopters than that took off, just to tell commuters what the traffic was on the Throg's Neck Bridge and the Long Island Expressway. Salvadorans are trying to defend democracy with what they have, and they deserve our support. Listen to Lane Kirkland. Let us give democracy a chance.

Mr. LONG of Maryland. Mr. Speaker, may I inquire of the Chair how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Maryland [Mr. LONG] has 7 minutes remaining, and the gentleman from Massachusetts [Mr. CONTE] has 5½ minutes remaining.

Mr. LONG of Maryland. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge my colleagues to support the amendment offered by the gentleman from Maryland [Mr. LONG]. The issue is not whether we support Mr. Duarte; we all support Mr. Duarte's goals of stabilizing and reforming Salvadoran society. When we were faced, just a few months ago, with a supplemental request, I spoke in favor of that supplemental request because I believe, as I am sure most of us believe, that it is important for Mr. Duarte to have adequate resources to achieve those goals, goals which many of us have been urging upon that government for some time.

But that is not the issue before us. The issue we are facing today, with only 7 weeks to go in the fiscal year, is how much additional financial help is it appropriate and responsible to provide to the Government of El Salvador to the other governments in Central America. That is the issue. In considering that issue, I urge my colleagues to look carefully at the financial support Congress has already provided.

This year Congress has provided about $600 million to Central America for military and economic assistance. A significant portion was provided in a continuing resolution designed to cover the entire fiscal year. Thereafter, and at the administration's request, Congress supplemental that with an urgent supplemental appropriation bringing the total support to about $600 million.

We have before us now a decision brought on by the administration's third request, and specifying a choice between the amendment of the gentleman from Maryland [Mr. LONG], which would provide another $171 million in economic and military assistance for Central America, and the amendment of the gentleman from New York [Mr. KEMP], which as I understand it, would provide another $500 million for Central America in economic and military assistance.

Seven weeks are left in the fiscal year. Does it make sense to pump $500 million more into Central America, after we have provided $600 million already? In effect, this amounts to a second foreign aid bill; it should not be seen as a supplemental appropriation. It is important for us to understand the difference.

It is important also to look carefully at the particular sums requested by the administration this year and those provided by Congress. The administration requested $230 million in economic support funds for fiscal year 1984 at the beginning of the year. Congress provided $230 million. Congress was hardly stingy. It met the initial request. Now, with only 7 weeks to go in the fiscal year, 290 million additional dollars are called for in the Kemp amendment. That is more than Congress provided in response for the administration request for the entire year.

Is that appropriate or responsible with 7 weeks to go in the fiscal year? I do not think so.

What about development assistance? I am a strong supporter of assistance for economic development, as most of my colleagues know. We had a request from the administration at the beginning of the year for $113 million in development assistance for Central America. Congress responded by appropriating $116.9 million in development assistance more than the Administration requested. Now, with 7 weeks remaining in the fiscal year, we are faced with an amendment by Mr. Kemp to provide an additional $73 million in aid.

Is that appropriate or responsible? Will it be used effectively? How can it be used effectively?

Earlier this year there was a GAO report which said that since 1980 Congress has provided $516 million in development assistance for Central America. As of March of this year, $364 million of that aid was still in the pipeline. Are we, 7 weeks before the end of the fiscal year, with as much as $364 million still in the pipeline, going to pump $73 million more of development assistance into Central America?

Even the most strenuous advocate of development assistance cannot justify such a waste of resources. It is not a question of whether we support President Duarte and his goals of stability and reform. Of course we do. It is a question of what is a responsible expenditure of funds with 7 weeks to go in the fiscal year.

Military assistance for El Salvador is one element of a sound policy in importance in Central America. So long as the government is committed to meeting the legislative needs of its people and is making progress in mending those needs. Because I believe President Duarte is so committed, and deserves a fair chance, I spoke in favor of some aid the last time it was before the House. However, the fact is that the administration requested at the beginning of this fiscal year $85 million in military aid for El Salvador, and subsequently asked for an urgent supplemental appropriation. In response, Congress has provided a total of $126 million of military assistance. Now, with 7 weeks to go in the fiscal year, they want $70 million more and, in fact, the administration actually requested $117 million more.

This is not a question of whether you support President Duarte. It is a question of the sound use of U.S. resources. We are not against President Duarte and his avowed goals. We are not against democracy in Central America. We are not against a reasonable investment which would serve United States' interest in Central America. Congress has demonstrated its support for all of these. But, this is a question of what is sound appropriations policy at the end of a fiscal year.

Pumping this much money into Central America, including El Salvador, under these circumstances is unwise and irresponsible. On that basis, I ask my colleagues, I implore my colleagues, to support the amendment offered by the gentleman from Maryland [Mr. LONG] and, if necessary to reject the Kemp amendment.

Mr. CONTE. Mr. Speaker, I yield 5½ minutes to my good friend, "Semper Fidelis" the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me set the stage and talk about the problem we have here as I see it.

The other body has passed several times substantially more money. The House has authorized substantially more money. We have come to some sort of an agreement with the other body, hopefully, that $70 million would be an adequate figure to fund El Salvador.

Why do we want $70 million? We talk about wanting to keep a string on, we want to make sure that President Duarte does what we are interested in. We are concerned that if we give him too much money he will go out and do the wrong thing.

I am not sure that that is the way we should run our policy. I am sure of this: That I would not want to be in a foxhole waiting for the Congress to debate sending down helicopters and ammunition and trucks if I were in a firefight. If we have intelligence reports that indicate we might have a heavy rebel activity this fall, that means that they have to step up their activity—I am talking about Government activity—in order to offset that.

For instance, one of the basic policies of the military is that if you want to keep them from having a strong rebel activity, we are going to have to have all kinds of patrols, we are going to have to have increased military activity on our side.

What kind of equipment are we using? We are charging the Government of El Salvador substantial amounts of money for old equipment. We have equipment that is 20 years old. The Huey helicopter is 20 years old. I rode in a helicopter up to a radio tower where they have to keep backing down—when I say backing down, they flew down and flew back up again—because of the humidity and the hot weather. As we went out into the field, we heard about the shortage of bullets, the shortage of ammunition, and so forth. That is not true now. It is not true because the Congress has acted responsible.

Every time we get ourselves into a position where they start to increase their military activity in order to control the rebels, we should not say back here we are going to pull back because, in my estimation, it is the worst type of thing we could do. We hamstring the Duarte administration to the point where they cannot act effectively.

One of the basic tenets of fighting a guerrilla is to try to have the flexibility and the equipment necessary in order to fight on several fronts.

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These guerrillas are well coordinated. They have communications, very, very good communication between their units, and if they are in a firefight they will start another activity someplace else in order to draw off Government forces from the activity if they think they are being routed in one area.

You cannot do this with simple equipment. I think we proved in Vietnam the impossibility of operating effectively in that type of an environment.

They are doing it themselves. The United States is not doing the fighting. They, El Salvador troops are doing the fighting. The United States is giving them what they need in order to fight rebel incursions in their country.

Now, have they lived up to what we asked them to do? I can remember the first time that I was down in El Salvador. We had to have an armed guard with us. We had to travel with bullet proof glass in the windows and had to travel in convoy. It has gotten better since that time.

The area we flew out into, there was so much guerrilla activity that we could not even land. In the subsequent time since we went back it has gotten better.

The first time I was down there we had so many bodyguards around us, if somebody had thrown a firecracker in a parking lot there would have been a major war going on between the bodyguards guarding the people who were inside the reception.

The last time I went down this did not happen. The activity has decreased.

Why has it decreased? The activity has decreased because the military have reformed themselves. They are no longer on a seven or eight or nine to five schedule. They are working on Saturday and Sunday and they are doing the things we insisted they should do.

If they do that kind of activity, certainly we should not try to reduce the amount of ammunition, supplies, helicopters, trucks and medical supplies that we are sending to them.

It is a matter of how much money is available. The Senate has voted substantially more money. The House has authorized more money and it seems to me, and I congratulate the chairman on coming up with a figure of $40 million, it is a matter of the difference between $40 million and $70 million and certainly we should err on the side of more money, rather than less.

So I have to strongly urge the House to defeat the $40 million in this amendment and vote for the $70 million which will be offered after this amendment is defeated.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I want to compliment the gentleman from Pennsylvania. Once again he has shown his statemanlike attitude on a very critical problem. I agree what he said in his statement, if we are going to err we ought to err on the side of giving them adequate money. I think that is the most important thing today to remember. The amendment before us at the present time is not adequate.

Mr. LONG of Maryland. Mr. Speaker, I yield myself 2 minutes.

In closing, Mr. Speaker, one thing we have got to get clear, we are not being stingy with El Salvador. We had $64.8 million in the last continuing resolution 1 year ago and another $61.75 million this last spring in the urgent supplemental. That is $126 million so far this year.

Now we are proposing to spend a lot more than that on a monthly rate for the balance of this year. The question is, Is it needed? What we really need in Central America and El Salvador is a military that is willing to get out there and fight. The truth is they are not willing to fight. They do not have officers that are willing to fight and everybody down there will admit it. These officers are not chosen for their willingness to fight, yet, that is what we must have in El Salvador. It will do no good to throw a lot of weapons at them. We have given tremendous quantities of weapons to El Salvador. We did the same thing in Vietnam a number of years ago. We dumped weapons on them and those same guns are now finding their way all over Central America being used against the people that we are trying to support.

So I urge that we support the Long amendment and turn down the Kemp substitute.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Maryland [Mr. LONG].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 57, nays 340, not voting 35, as follows:

[Roll No. 368]

YEAS—57

Akaka	Guarini	Ottinger
Anderson	Hamilton	Pease
Barnes	Harrison	Pickle
Bedell	Hoyer	Ratchford
Bryant	Hughes	Reid
Carper	Jenkins	Schneider
Coleman (TX)	Kastenmeier	Schulze
D'Amours	Kleczka	Sharp
Derrick	Leach	Slattery
Dicks	Lehman (FL)	Smith (IA)
Durbin	Levin	Solarz
Dwyer	Long (MD)	Spratt
Evans (IA)	Lundine	Synar
Foley	MacKay	Tauke
Ford (MI)	Mazzoli	Udall
Frost	McHugh	Volkmer
Gejdenson	Natcher	Walgren
Glickman	Nowak	Whitten
Gonzalez	Obey	Yatron

NAYS—340

Ackerman	Applegate	Bellenson
Addabbo	Archer	Bennett
Albosta	Aspin	Bereuter
Andrews (NC)	AuCoin	Berman
Andrews (TX)	Barnard	Bevill
Annunzio	Bartlett	Biaggi
Anthony	Bates	Bilirakis

Bliley	Gray	Mollohan
Boehlert	Green	Montgomery
Boggs	Gregg	Moody
Boland	Gunderson	Moore
Boner	Hall (IN)	Moorhead
Bonior	Hall (OH)	Morrison (CT)
Bonker	Hall, Ralph	Morrison (WA)
Borski	Hammerschmidt	Mrazek
Bosco	Hance	Murphy
Boxer	Hansen (ID)	Murtha
Breaux	Hansen (UT)	Myers
Britt	Harkin	Nelson
Broomfield	Hartnett	Nichols
Brown (CA)	Hawkins	Nielson
Brown (CO)	Hayes	O'Brien
Broyhill	Hefner	Oakar
Burton (CA)	Heftel	Oberstar
Burton (IN)	Hertel	Olin
Byron	Hightower	Ortiz
Campbell	Hiler	Owens
Carney	Hillis	Oxley
Carr	Holt	Packard
Chandler	Hopkins	Panetta
Chappell	Horton	Parris
Chappie	Hubbard	Pashayan
Cheney	Huckaby	Patman
Clay	Hunter	Patterson
Clinger	Hutto	Paul
Coats	Hyde	Penny
Coelho	Ireland	Pepper
Coleman (MO)	Jacobs	Petri
Collins	Johnson	Porter
Conable	Jones (NC)	Price
Conte	Jones (OK)	Rahall
Conyers	Jones (TN)	Rangel
Cooper	Kaptur	Ray
Corcoran	Kasich	Regula
Coughlin	Kazen	Richardson
Courter	Kemp	Ridge
Craig	Kennelly	Rinaldo
Crane, Daniel	Kildee	Ritter
Crane, Philip	Kindness	Roberts
Crockett	Kogovsek	Robinson
Daniel	Kolter	Rodino
Dannemeyer	Kostmayer	Roe
Darden	Kramer	Roemer
Daschle	LaFalce	Rogers
Daub	Lagomarsino	Rose
Davis	Lantos	Rostenkowski
Dellums	Latta	Roth
DeWine	Leath	Roukema
Dickinson	Lehman (CA)	Rowland
Dingell	Leland	Roybal
Dixon	Lent	Russo
Donnelly	Levine	Sabo
Dorgan	Levitas	Savage
Dowdy	Lewis (CA)	Sawyer
Downey	Lewis (FL)	Schaefer
Dreier	Livingston	Scheuer
Duncan	Lloyd	Schroeder
Dymally	Loeffler	Schumer
Dyson	Long (LA)	Seiberling
Eckart	Lott	Sensenbrenner
Edgar	Lowery (CA)	Shannon
Edwards (AL)	Lowry (WA)	Shaw
Edwards (CA)	Lujan	Shumway
Edwards (OK)	Luken	Shuster
Emerson	Lungren	Sikorski
English	Mack	Siljander
Erdreich	Madigan	Sisisky
Erlenborn	Markey	Skeen
Evans (IL)	Marlenee	Smith (FL)
Fascell	Martin (IL)	Smith (NE)
Fazio	Martin (NY)	Smith (NJ)
Feighan	Martinez	Smith, Denny
Fiedler	Matsui	Snowe
Fields	Mavroules	Solomon
Fish	McCain	Spence
Flippo	McCandless	St Germain
Florio	McCloskey	Staggers
Foglietta	McCollum	Stangeland
Ford (TN)	McDade	Stark
Fowler	McGrath	Stenholm
Frank	McKernan	Stokes
Franklin	McKinney	Stratton
Frenzel	McNulty	Studds
Gaydos	Mica	Stump
Gekas	Michel	Sundquist
Gephardt	Mikulski	Swift
Gibbons	Miller (CA)	Tallon
Gilman	Miller (OH)	Tauzin
Gingrich	Mineta	Taylor
Goodling	Minish	Thomas (CA)
Gore	Mitchell	Thomas (GA)
Gradison	Moakley	Torres
Gramm	Molinari	Torricelli
Valentine	Wheat	Wolpe
Vander Jagt	Whitehurst	Wortley
Vandergriff	Whitley	Wyden
Vento	Whittaker	Wylie
Vucanovich	Williams (MT)	Yates
Walker	Williams (OH)	Young (AK)
Watkins	Wilson	Young (FL)
Waxman	Winn	Young (MO)
Weaver	Wirth	Zschau
Weber	Wise	
Weiss	Wolf	

NOT VOTING—35

Alexander	Garcia	Pursell
Badham	Hall, Sam	Quillen
Bateman	Hatcher	Rudd
Bethune	Howard	Shelby
Boucher	Jeffords	Simon
Brooks	Lipinski	Skelton
Clarke	Marriott	Smith, Robert
Coyne	Martin (NC)	Snyder
de la Garza	McCurdy	Towns
Early	McEwen	Traxler
Ferraro	Neal	Wright
Fuqua	Pritchard	

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Messrs. ROYBAL, STANGELAND, VANDERGRIFF, YATES, PATTERSON, ANDREWS of North Carolina, FAZIO, BONIOR of Michigan, and LUKEN, Mrs. SCHROEDER, and Messrs. HERTEL of Michigan, MINETA, McNULTY, DINGELL, and BATES changed their votes from "yea" to "nay."

Mr. HUGHES changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. KEMP

Mr. KEMP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KEMP moves that the House recede from its disagreement to the amendment of the Senate numbered 164 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE

For expenses necessary to enable the President to carry out the provisions of the Central America Democracy, Peace and Development Initiative Act of 1984, the Foreign Assistance Act of 1961, as amended, and for other purposes, for assistance for Central American countries, to remain available until March 31, 1985, in addition to amounts otherwise made available for such purposes:

AGENCY FOR INTERNATIONAL DEVELOPMENT

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

For an additional amount for "Agriculture, rural development, and nutrition, Development Assistance", $10,000,000.

HEALTH

For an additional amount for "Health, Development Assistance", $18,000,000.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

For an additional amount for "Education and human resources development, Development Assistance", $10,000,000: Provided, That of this amount not less than $2,000,000 shall be available only for the International Student Exchange Program.

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES

For an additional amount for "Energy and selected development activities, Development Assistance", $30,000,000.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $290,500,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating expenses of the Agency for International Development", $2,489,000: Provided, That not less than $727,000 shall be available only for the activities of the Inspector General's office.

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount to carry out the provisions of the Peace Corps Act (75 Stat. 612), $2,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $140,000,000, notwithstanding the limitations and restrictions contained in section 101(b) of Public Law 98-151: *Provided*, That not more than $70,000,000 of the funds made available by this paragraph shall be for El Salvador.

GENERAL PROVISIONS

Funds under this chapter are made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

Mr. KEMP (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. KEMP] will be recognized for 30 minutes and the gentleman from Maryland [Mr. LONG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say to my colleagues that this is not going to take the full hour. I know there is impatience in the Chamber and everyone wants to dispose of this issue quickly. It has been fully debated and been a health discussion. I do not plan to take the full 30 minutes allotted to me.

But Mr. Speaker, I know my colleagues understand the fact that there are those who are totally opposed to any assistance, there are those of us who think that this assistance comes at a very critical time in the history of the very fragile democracy that is emerging in El Salvador and throughout Central America. Not many minds will be changed but this is a critical vote for the future of this hemisphere.

Mr. LIVINGSTON. Mr Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, in the interest of brevity, I rise in strong support of the Kemp-Murtha amendment.

Mr. Speaker, I rise in strong support of the Murtha-Kemp amendment, which basically seeks to implement the recommendations of the bipartisan Kissinger Commission on Central America and the Reagan administration. In that same spirit of bipartisanship, we are proposing a compromise on military assistance to Central America, generally, and El Salvador, specifically. Both would receive substantially less than I would like, but substantially more than provided in the House-passed bill.

The Central American region is vitally important to the national security of all Americans. It is partially for this reason that the Soviet Union has sought to expand its presence and increase its influence there, with the assistance of Marxist, totalitarian governments in Cuba and Nicaragua. Our policy, on the other hand, is aimed at promoting democracy and equitable economic growth in a secure climate. That policy is working, but if it is to continue working, this Congress must provide the President with the wherewithal to reach the goals we all support. Unfortunately, freedom is never free. It never comes cheap.

Failure to pass the supplemental economic assistance provision would jeopardize the strategy we are pursuing. The overall economic decline in Central America, in which we have made such progress so far, would recur. In Costa Rica—a secure democracy that faces problems from economic stress—the economic stabilization would be severely hurt. The momentum toward economic recovery in El Salvador would also be reversed, dealing a new setback to private sector confidence and to the ability of the Duarte government to show economic progress which is reinforcing the democratization process and ending the violence. Similar adverse consequences would follow in Panama, Honduras, and Guatemala if these funds are not approved. In those countries, we are at various stages of trying to encourage and facilitate democratic rule. And we are having success.

The economic aid comprises the bulk of this assistance now before us, but there is also an equally important component of military aid. And we should remember that without military aid to provide a security shield against the economic terrorism and sabotage of the Marxist guerrilla, no economic development can take place.

Failure to provide this military assistance—which again, is less than the President's request—would risk continuation of a military stalemate in El Salvador. It would also lead to regional uncertainty of U.S. resolve. Without the aid provided in this amendment, we cannot help the Durate, democratically elected, government end the battlefield stalemate with the Communist rebels who would rule by bullet instead of ballot. We would not be able to provide the needed mobility, firepower, training and other capabilities to help move the conflict toward a peaceful resolution. As the bipartisan Kissinger-Jackson commission said "The worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully."

The House-passed bill cut the military assistance for Central America by over 70 percent, and we simply must restore some of that today. Recent intelligence evidence has shown conclusively that the Communists continue to funnel arms and ammunition through Nicaragua to Communist guerrillas in El Salvador, so it would be a tragic mistake if we failed to provide similar aid to President Duarte to defend his country. He has made such tremendous progress in improving human rights and reestablishing democracy; we cannot and must not let him down.

Mr. Speaker, I cannot say it any better than the Republicans and Democrats on the Bipartisan Commission who put it this way:

> The Commission has concluded that the security interests of the United States are importantly engaged in Central America; that these interests require a significantly larger program of military assistance, as well as greatly expanded support for economic growth and social reform; that there must be an end to the massive violation of human rights if security is to be achieved in Central America; and that external support of the insurgency must be neutralized for the same purpose.

Let's support the Murtha-Kemp amendment and get this job done.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the Kemp-Murtha amendment and urge my colleagues to support it.

Mr. Speaker, I rise in strong support of the Kemp amendment concerning military aid to El Salvador.

In May, this body voted to authorize the funds and conditions recommended by the Jackson plan for Central America. Having approved the terms of the Jackson plan, we cannot now stop halfway. As the National Bipartisan Commission on Central America reported, "There is no logical argument for giving some aid but not enough." The Commission recommendations are just as valid now as they were when they were issued in January, and the urgency to act is even greater. The Jackson plan report states, "The Commission recommends that the United States Provide to El Salvador—subject to the conditions we specify later in this chapter—significantly increased levels of military aid as quickly as possible. . . ."

This House established the necessary conditions for that military aid, and we have seen with Jose Napoleon Duarte, the newly elected President of El Salvador, a commitment to carry out the reforms and conditions which we all seek and support.

In past years, the Congress has failed to approve fully the administration's requests for military assistance to El Salvador. As a result, we have reached the point where the Salvadorans are trying to play catch-up in meeting the needs for the defense of their country. The moneys represented in this request today are not some extravagance that can be easily dismissed. The request represents much-needed equipment to enhance the mobility and communications of the Salvadoran Army.

Critics complain that there has been no successful interdiction of weapons coming into El Salvador from Nicaragua. But the Salvadoran military's ability to interdict weapons has been severely limited because they lack the communications, air and naval craft and intelligence equipment to implement such a program. The newly released intelligence with photos, maps and documents provide compelling evidence of the unceasing supply operation and control of the Salvadoran guerrillas from Nicaragua. The funds in this bill represent the money needed to provide the Salvadorans with the equipment they need to start intercepting the incoming flow of arms from Nicaragua.

It is particularly vital at this time to demonstrate to the Salvadorans that we support their commitment to democracy and to give President Duarte the opportunity to solidify his position in carrying out the reforms we all support. The threat of a fall guerrilla offensive still hangs over El Salvador. Approval of these funds would provide a great psychological boost even if they were not all available in time to confront the fall guerrilla offensive.

Mr. Speaker, much has been said about the position of church groups on the question of assistance to El Salvador, particularly military aid.

I attach and recommend to my colleagues an article from this morning's L.A. Times by Joan Frawley, a contributing editor of the National Catholic Register, entitled: "A New Era in El Salvador? Bishops Give Duarte A chance to Achieve Reforms Peacefully."

Ms. Frawley points out the bishops of El Salvador have become disillusoned by the actions of the guerrillas, their confidence in President Duarte and that they "continue to support

U.S. economic and military assistance as long as the insurgents receive outside help."

I urge my colleagues to support the Kemp amendment and to oppose the Long amendment.

A NEW ERA IN EL SALVADOR?

(By Joan Frawley)

The murder of an archbishop and four churchwomen earned recent Salvadoran governments a reputation as murderous and "nun-killing." And today leftist guerrillas and many U.S. human-rights groups argue that El Salvador's new president, Jose Napoleon Duarte—who has wielded nominal power in the past—can't change that poor record. But El Salvador's bishops disagree: Their confidence in the current government signals a new era in church-state relations and a quiet dissent from the guerrillas' agenda.

This new episcopal optimism—that necessary economic and social reforms can be achieved through peaceful means—argues against the observers, and U.S. Catholic activists, who continue to focus on a dated image of Salvador's spiritual shepherds pitted against a brutal power structure. The position of the hierachy should force Americans to see that something new really is happening in El Salvador.

The bishops' stepped-up criticism of the left should be seen in the context of their past role in raising the political consciousness of a nation that is 98% Roman Catholic. Though once a pillar of the status quo, they began to reassess their ties to the landed elite in the wake of Vatican II and the 1968 Latin American bishops' conference in Medellin, Colombia, that called for a "preferential option for the poor" and a new way of analyzing social injustice through the Gospel message.

In a country where the gap between rich and poor was Latin America's most extreme, the results were predictable. In the 1970s many priests helped organize Salvadoran workers and *campesinos* into mass organizations whose membes first agitated for political and economic reforms and later (following the killing of their leaders) went underground or into the mountains to join the insurgents or form their own guerrilla movement.

The outspoken support that these mass organizations had received from Oscar Romero, appointed archbishop of San Salvador in 1977, was crucial to their early development. Some elements, including some leaders, were openly Marxist, but Romero tolerated their use of Marxism as a tool for scientific analysis while rejecting an atheistic or materialistic view of man's purpose on Earth. Then, in a 1978 pastoral letter, he took the church a step further: Citing a papal encyclical that recognized the need for armed struggle "where there is manifest longstanding tyranny which would do great damage to fundamental personal rights and dangerous harm to the common good," he endorsed "the legitimate right of insurrectional violence."

Today four factors contribute to the church's withdrawal of support for armed struggle: the 1982 and '84 elections, the successful efforts of previous governments to nationalize the banks and implement land reform, the rebels' tactic of economic sabotage, and a growing disenchantment with the Sandinista revolution next door in Nicaragua.

While church leaders will continue to press Duarte's government to broaden economic reforms and punish death-squad supporters, they also voice growing concern about the rebels' strategy of disrupting agricultural production and destroying public transportation, power plants, factories and bridges. It is not the army but the poor and small farmers who suffer from this crippling of the economy.

Essentially the hierarchy now believes that the guerrillas want to grab power without popular consent. Indeed, the recent adoption of forced recruitment to increase rebel ranks suggests that their movement has lost much of its appeal, though it remains militarily strong.

The bishops' disillusionment with the left is not the only fruit of the elections or the rebels' controversial tactics. The Sandinista revolution, once viewed as the hope of all Central Americans, is now seen by Salvador's spiritual leaders as a case study of a democratic movement confiscated by an armed Marxist party. And if they have any doubts about how they might fare under a revolution controlled by the left, they need only witness present church-state relations in Nicaragua, highlighted by the recent expulsion of 10 priests loyal to Managua's Archbishop Miguel Obando y Bravo, a critic of the regime.

Further, the fact that the overthrow of the Somoza regime did not signal the end of war in Nicaragua, but only the beginning of a different kind of conflict, has increased the hierarchy's uneasiness with the Sandinista revolution—and, by extension, the Salvadoran insurgents.

An estimated 40,000 Salvadorans have died in civil violence since 1980. As El Salvador's leaders emerge from a decade of ideological confusion, their first priority must be to nurture dialogue as the best hope of attaining a just peace.

To this end San Salvador's Archbishop Arturo Rivera y Damas and Bishop Marco Revelo of Santa Ana took part in a national peace commission that sought to identify points of agreement between the government and democractic rebel elements. And while the hierarchy applies itself to the task of national reconciliation, Rivera and his colleagues continue to support U.S. economic and military assistance as long as the insurgents receive outside help, provided the assistance is conditioned on human-rights improvements.

Critics of the heirarchy's new strategy say that the bishops' optimism will soon be soured by the hardball politics of the right wing or the military. The bishops acknowledge the risks, but they argue that Salvadoran politics are not static. The Duarte government presents new possibilities that the church is obligated to explore.

(Joan Frawley, a contributing editor of the National Catholic Register, has just returned from a tour of El Salvador.)

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I, too, join in support of the Kemp-Murtha proposal.

Mr. Speaker, I support the amendment to the supplemental appropriations bill before us. However, I regret that it does not provide full funding of the President's request for El Salvador. There are many reasons why we should support our friends and allies to the south.

In recent months, the people of El Salvador elected a new President, Mr. Jose Napoleon Duarte. After a hard-fought campaign, the democratic process triumphed. Already, Mr. Duarte has begun to move his country along the road to democracy. He has already made progress in the human rights area. The activities of the death squads have been dramatically reduced. Military violence against civilians has sharply dropped. President Duarte has made progress in gaining control of the army. He is working hard to rebuild the economy. I believe that all of us would agree that he is a man in whom we have confidence. Let us give him the military and economic aid which will be sufficient to allow him to succeed. Let us not cut him off at the pass before he has a chance to prove himself. He, like all of us, believes in democracy and freedom. We owe him our support.

Just the other day, we saw some of the most convincing evidence yet that the Sandinistas are providing war material to the guerrillas in El Salvador.

Nicaragua is clearly trying to export its revolution to El Salvador. Commandante Ortega ia trying to destabilize the new Duarte government. By cutting off aid to the anti-Sandinista Contras. the Congress has opened up the back door to more guerrilla activity in El Salvador. When the activities of the Contras come to an end. Nicaragua will be ready to focus all of its resources toward the Salvadoran Government. Without more American help, President Duarte will be unable to control the security situation in his own country. The guerrillas will grow in strength and will continue to destroy the Salvadoran economy and violate the human rights of Salvadoran citizens. At that point, the Salvadoran Government could lose control and the Communists could win with bullets what they know they could not win at the ballot box.

President Duarte faces many challenges. He has appealed for our help and assistance. We can help carry out the programs which he has promised to his people. We can help him move his country along the road to peace and economic development. We can help him establish democratic rule in that nation.

Giving El Salvador too little assistance will let that fragile nation bleed to death before our very eyes. Giving insufficient funding to El Salvador will almost guarantee a future Marxist-Leninist regime. These are weighty issues. All of us should carefully weigh our decision here today. I know that many of you share my deep concerns about Central America. Now is the time to help El Salvador, President Duarte, and democracy in Central America. The future of that lovely land, which lies so near to our south-

ern border, is in our hands. I call upon all of my colleagues to vote in support of the amendment.

Mr. KEMP. Mr. Speaker, I offered this motion with my good friend from Pennsylvania [Mr. MURTHA] in hopes of reaching a prudent and responsible course for the conduct of our economic and development assistance, plus our security assistance in Central America.

This is something that has been worked out with both sides of the aisle. It has been fully debated. There are those who do not want any, not one single penny more in Central America.

I think many of us on both sides of the aisle recognize that the work of the Kissinger Commission over a period of 6 months in a bipartisan manner predicated upon the idea that we shall begin in 1984 with a higher level of funding for security and economic assistance with this supplemental.

I want to remind my colleagues that this supplemental has been pending since last February and since last February there has been progress in El Salvador, there has been progress in democracy and progress in security throughout Central America. I would suggest that this is a prudent and responsible approach to providing the necessary economic, social, and political support to the emerging Duarte government in El Salvador and I ask my colleagues, please do not pull the rug out from underneath Duarte, but what is even more important, please give democracy a chance in El Salvador and in Central America.

I thank my colleagues for this support for my amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. LONG of Maryland. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, a few moments ago we were told by one speaker on this side of the aisle that if we were going to err, we ought to err on the side of giving enough money. I wish I had heard those same voices use those words when were dealing with appropriations on this House floor to feed hungry people or to provide medical research for our people. We have had votes to cut appropriation bills across the board.

We have had votes in this House on across-the-board amendments which have cut our ability to educate our own kids, to feed our own poor and to shelter our own elderly. But when it comes to military budgets or when it comes to military foreign aid, the motto of this Congress and this administration seems to be open sesame.

□ 1550

What we are being told is that despite the fact that we are providing 56 percent more money this year than last year for El Salvador, that it is not enough. We are being told that a 420-percent increase—I repeat that—a 420-percent increase in grant military assistance since this administration took over in 1981 is not enough. We are being told by the authors of this amendment that it is not enough to increase all military aid programs by 97 percent since this administration took office. We are being told that is not enough.

I suggest it is enough. I suggest there is no responsible reason to provide $50 million a day in additional spending in a supplemental in the remaining 50 days of this fiscal year.

I urge the Members to vote "no".

Mr. KEMP. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, unlike some of my colleagues on this side of the aisle, I support the concept of conditionality and I have supported the conditions that we have in the past applied to this assistance. In my opinion, it is inappropriate behavior by elected representatives of the people to shell out taxpayer dollars without spelling out conditions.

And I want my colleagues to understand that the Kemp amendment includes the conditions that were added in the Senate by Senator KENNEDY.

But the concept of conditionality works only if we respond as promised when the conditions are met. Conditionality is a simple approach: the carrot and the stick. If we use the stick we have to be prepared to offer the carrot.

We have set out conditions and El Salvador has met those conditions. Land reform, military reform, political reform, convictions, elections, transforming an aristocracy into a democracy. They have done all of that and now they need our help.

A liberal, social reformer, an enemy of the death squads, a friend of the people has been elected president of El Salvador. He is appealing to us to help him save that new democracy. The Government of El Salvador is short of ammunition. It needs our help. President Duarte needs our help and we ought to give it to him.

Mr. LONG of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am, of course, in some ways discouraged. But, I do feel very strongly that we were successful in cutting this military appropriation to El Salvador from $116 million to $70 million, the level which the gentleman from New York is now offering.

I think, in a sense, I earned my pay for the day.

So, I say nothing more—but let democracy in action take place.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I simply wanted to say that I rise in support of the pending amendment.

I do not think we are being inconsistent at all. We have had two traunches on this matter already for fiscal 1984, and this is the third.

I ask my colleagues this: How would you like to try to run a government under the conditions that President Duarte fares with not knowing from 1 minute to the next exactly what kind of help his country is going to get or how much.

We handle this in two "traunches" to wait for various matters to settle out. One of those things was to get Duarte elected. Well, he got elected. He put his life on the line. The people in El Salvador put their lives on the line. We need to give the man a chance.

The administration requested $117 million in this appropriation request. It has been cut to $70 million. It does not satisfy those who want zero. It does not satisfy those who want $117 million. But it is a good compromise.

I thank the gentleman. I think we ought to support it.

Mr. LONG of Maryland. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Maryland, who has worked very, very hard as chairman of the subcommittee. I think he deserves all of our gratitude for the work that he has done in attempting to bring about peace in El Salvador.

Mr. Speaker, this is not just a matter for those of us who have the privilege to serve in this Chamber. The American people are watching, especially those of us on this side of the aisle, to see whether we have any sense of integrity when we say that we want to bring the fighting and the killing in El Salvador to an end.

We have provided in the last 60 days $81 million in military assistance to the Government of El Salvador. To provide more at this point is not to help Napoleon Duarte, it is to undercut him, to make him irrelevant, and to give the military a blank check.

How many more times will this body be asked to send military aid to El Salvador? How many more dollars will we provide?

Will we ever see the light at the end of tunnel in El Salvador? How long can we believe that more guns, more helicopters and more weapons will bring about a peaceful resolution to that country's civil war?

In June, Salvadorans went to the polls in record numbers and elected Napoleon Duarte president of their country. The vote they cast was a vote for peace, a vote for an end to the violence that has filled the countryside and streets of El Salvador. It was a

vote for an end to a war during which 40,000 of their brothers, sisters, mothers, fathers, and children all civilians, met their deaths at the hands of the death squads and the security forces.

It was not a vote for more military assistance; it was not a vote to prolong the war, to expand the killing, and to unleash further bloodshed.

Let us listen to the people of America and to the people of El Salvador and vote to defeat the Kemp amendment.

Mr. LONG of Maryland. Mr. Speaker, I yield back the balance of my time.

● Mr. FEIGHAN. Mr. Speaker, I rise in strong opposition to the supplemental request for more military aid to El Salvador.

This House has already approved $126.5 million in military aid to El Salvador this year—A 50-percent increase over last year's levels, and more than 20 times the amount appropriated in 1980. This amendment would add another $70 million for guns to El Salvador—All to be spent in the next 2 months.

Supporters of this additional aid have argued that we must approve more money in order to demonstrate our support for the new President of El Salvador, Napoleon Duarte. Three years ago, when the House passed the first large increases in military assistance to El Salvador, we heard similar reasoning. Section 728 of that bill contained a paragraph that seems especially relevant today:

> The United States also welcomes the continuing efforts of President Duarte and his supporters in the Government of El Salvador to establish greater control over the activities of the members of the armed forces and government security forces. The Congress finds that it is in the interest of the United States to cooperate with the Duarte Government in putting an end to violence in El Salvador by extreme elements among both the insurgents and the security forces, and in establishing a unified command and control of all governemt forces.

Saying that, Congress proceeded to send more and more military aid to El Salvador, largely without meaningful conditions. And, as we all know, Duarte was not able to rein in the security forces, and the violence did not end. Extremists of the left and the right continue to hold El Salvador hostage to terror.

I sincerely hope that Mr. Duarte can muster the forces needed to break that stranglehold, and I know that he is going to do everything in his power to derail the death squads, defeat the guerrillas, and develop a new type of society in El Salvador. In fact, I am pleased to note recent press reports indicating that death squad violence may be decreasing.

But Mr. Duarte, courageous and popular as he is, cannot secceed on his own. He knows that, and we know that. To accomplish real reforms and achieve real peace, he will need leverage with those elements in the Salvadoran security forces who have the power to control the violence, but don't want to. And the only way Duarte can secure that clout is if he can convince the military, and convince the security forces. That U.S. aid will stop if death squad killings continue. It's important to remember, I think, that no verdicts were returned in the nuns' trial until Congress explicitly tied 30 percent of our military aid to the completion of the court proceedings.

Mr. Speaker, our policy to El Salvador should not be dependent on the election of a single individual. If Roberto D'Aubuisson had won the May elections, you can bet that this House would have attached air-tight conditions to any military aid to El Salvador—and rightfully so. As the Kissinger Commisson has pointed out, conditions on military aid to El Salvador should be "seriously enforced." Without these, El Salvador—whether it is headed by Duarte, D'Aubuisson, or anyone else—will not be the free, democratic and developed society that we all want to see. The sooner we realize this truth, the better off we—and more important, the people of El Salvador—will be.●

● Mr. BONKER. Mr. Speaker, as consideration of the fiscal year 1984 urgent supplemental appropriations legislation continues, I wish to go on record in opposition to the provision of any additional military aid for El Salvador in this fiscal year. El Salvador is already slated to receive $126 million in military aid this year, but the Senate, spurred on by the Reagan administration, is now seeking $116.7 million in supplemental security assistance. The House has so far resisted this proposal, which would bring the total military aid level up to $243.5 million.

During House action in early May on the fiscal year 1984 supplemental and fiscal year 1985 foreign assistance authorization legislation, I strongly supported the committee bill, which contained no additional military money for El Salvador this year. I also voted twice against the Broomfield amendment that restored the Reagan administration's funding requests for Central America.

On May 24, the House voted 267 to 154 to approve some $62 million in supplemental fiscal year 1984 military aid for El Salvador, $30 million of which was actually new money. That vote, coming on the same day as the announcement that the murderers of the American lay workers had been convicted, was viewed by myself and many of my colleagues as a unique, good will gesture to the newly elected President of that country. While in Washington that week, President Duarte promised to take a number of concrete steps to improve the human rights situation. Among these were the establishment of several presidential commissions to investigate the death squads and to curb human rights abuses, and the initiation of a national dialog to broaden the political process, including peace talks with the guerrillas.

Now, barely 3 months later, the administration is again pushing for what would amount to about a 100-percent increase over the level approved in May in security assistance for El Salvador. This would also mean that El Salvador would receive in 2 months close to double the level of military aid provided in the first 10 months of this fiscal year. Moreover, according to chairman of the Appropriations Foreign Operations Subcommittee, there is still some $50 million in the pipeline.

Three months may hardly be a sufficient amount of time to determine whether President Duarte is fulfilling his commitments; however, very little progress—some would argue no progress—has been made in the establishment of the presidential commission or in fostering a national dialog. Mr. Speaker, in my view, this is not the time for the Congress to approve any additional military aid for that country.

Military aid to El Salvador

	Millions
Authorized FY 1984	$64.8
CR FY 1984	64.8
May 24, 1984 urgent supplement	62.0
May 24, 1984 total	126.8
August 10, 1984 urgent supplemental	116.7
Total FY 1984 supplemental ($116.7 plus $62)	178.7
Total FY 1984 ($178.7 plus $64.8)	243.5●

● Mrs. SCHNEIDER. Mr. Speaker, I deplore the situation that results in bills such as this coming before the House. I feel that such votes, while within the bounds of acceptable parliamentary procedure, do not provide an acceptable vehicle for me to represent either my conscience or the wishes of my constituents. The inclusion of so many disparate programs in a single bill is unnecessary. It results in ensuring that military aid is provided to a country which has not yet shown an ability to guarantee the even-handed administration of justice. I can only hope that eventually I will find that my concerns are unnecessary and that the military assistance included in this bill will be used in a manner that will bring about a genuine peace in El Salvador.

The House has considered providing additional military aid to El Salvador in a number of ways in recent years. I have been consistent in my opposition to providing such military aid until concrete evidence of progress in human rights is forthcoming. When the House last considered military aid to El Salvador, I voted against it. In the intervening months I have viewed

with some optimism the playing out of democratic processes in that country and I am heartened by the apparent improvement in the judicial system that has occurred. Nevertheless, I am still concerned that we have had insufficient time to accurately judge the progress being made on these fronts. Unfortunately, because of parliamentary maneuvering, we are not given a straightforward opportunity to vote against military aid to El Salvador and at the same time provide supplementary funding for a number of important humanitarian programs.

I oppose the $117 million in military funding for El Salvador provided for in the Senate version of the supplemental appropriation. In an attempt to provide a level of funding that might be acceptable to the Senate—and at the same time prevent a deadlock that would end funding for a number of very important programs—I support a proposal to provide approximately a third of the amount requested by the Senate.

Should that proposal fail, I will be forced to vote for the supplemental appropriation in spite of the fact that 5 percent of the nearly $2.5 billion in the bill provides funding for the military programs that I oppose. I must vote this way in order to continue a number of important programs, including compensation for veterans, training for migrant workers, $50 million to reduce the asbestos hazard in public schools, funds for the Peace Corps in Central America, funding for NOAA, and nearly $700 million to assist in the feeding of those unable to provide adequately for themselves.

Mr. Speaker, this situation poses a difficult moral choice that would be unnecessary if we were allowed to vote on these matters on their individual merits. By linking necessary budgetary increases and humanitarian programs with questionable military aid to foreign countries, we do a disservice to ourselves and to our constitutents.●

● Mr. GARCIA. Mr. Speaker, the President's request for an additional $117 million for military aid for El Salvador for this year is an excellent example of his inability to understand necessary limits in determining aid for not only that nation but for the entire region.

The constant flow of money for arms will not bring about stability in El Salvador. It will not end the conflict that has afflicted the Salvadoran people for the past 4 years. Neither will it enhance our own interests. Every time the President gets some support for his program, he ups the ante.

The White House will probably get most of its request for El Salvador for fiscal year 1985. They have already gotten $126 million for military aid for fiscal year 1984. I understand that there is $50 million of military assistance for this year that has not been used. There are only 2 more months left in fiscal year 1984. If the Salvadoran armed forces are as desperate for funds as the President has indicated, why haven't they been able to absorb the $50 million?

What is even more perplexing, is that the undue emphasis on the military detracts from the positive momentum of the Duarte government. Most of us are willing to back President Duarte in his effort to improve the situation in El Salvador. But the White House is stretching our patience and good will. I remain opposed to military aid in principle, and I certainly feel that an additional $117 million of assistance this year or any portion of that amount is counterproductive.

Negotiations are the key to solving the crisis in El Salvador. The Contadora nations have continuously stressed this, as have many of us in this body. I put additional military aid in the same category as additional aid for the Contras. It will not secure our Nation's interests in the region. It will only serve to undermine our goal of fostering democracy throughout Central America.

We are not helping President Duarte or any other of the democratic forces in Central America by placing such a disproportionate emphasis on military aid. The potential for regional conflagration is increased in correlation with the increased emphasis on the military. The cost in lives and tax dollars is also greatly exaggerated by this increase.

I remind my colleagues that in 1980 there was a great deal of concern over $5 million in military aid for El Salvador. It has become readily apparent—tens of thousands of lives and hundreds of millions of dollars later—just how legitimate that concern was. Enough is enough. There should be no more military assistance for El Salvador this year.●

Mr. KEMP. Mr. Speaker, I have no further requests for time.

The chairman of the distinguished Foreign Relations Committee has said it very eloquently.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The Speaker pro tempore (Mr. FOWLER). The question is on the motion offered by the gentleman from New York [Mr. KEMP].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KEMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 161, answered "present" 1, not voting 36, as follows:

[Roll No. 369]

YEAS—234

Andrews (NC)	Gradison	Olin
Andrews (TX)	Gramm	Ortiz
Annunzio	Green	Oxley
Archer	Gregg	Packard
Aspin	Guarini	Parris
Barnard	Gunderson	Pashayan
Bartlett	Hall, Ralph	Patman
Bennett	Hamilton	Pepper
Bereuter	Hammerschmidt	Petri
Bevill	Hance	Pickle
Biaggi	Hansen (ID)	Porter
Bilirakis	Hansen (UT)	Price
Bliley	Hartnett	Ray
Boehlert	Hefner	Regula
Boggs	Hightower	Reid
Boland	Hiler	Ridge
Boner	Hillis	Rinaldo
Breaux	Holt	Ritter
Britt	Horton	Roberts
Broomfield	Hubbard	Robinson
Brown (CO)	Huckaby	Roemer
Broyhill	Hunter	Rogers
Burton (IN)	Hutto	Rose
Byron	Hyde	Roth
Campbell	Ireland	Rowland
Carney	Jenkins	Sawyer
Chandler	Johnson	Schaefer
Chappell	Jones (OK)	Schneider
Chappie	Kasich	Sensenbrenner
Cheney	Kazen	Sharp
Clinger	Kemp	Shaw
Coats	Kindness	Shumway
Coleman (MO)	Kramer	Shuster
Conable	LaFalce	Siljander
Cooper	Lagomarsino	Sisisky
Corcoran	Latta	Skeen
Coughlin	Leath	Slattery
Courter	Lent	Smith (FL)
Craig	Levitas	Smith (NE)
Crane, Daniel	Lewis (CA)	Smith (NJ)
Crane, Philip	Lewis (FL)	Smith, Denny
Daniel	Livingston	Snowe
Dannemeyer	Lloyd	Solomon
Darden	Loeffler	Spence
Daub	Long (LA)	Spratt
Davis	Lott	Stangeland
Derrick	Lowery (CA)	Stenholm
DeWine	Lujan	Stratton
Dickinson	Lungren	Stump
Dowdy	Mack	Sundquist
Dreier	MacKay	Tallon
Duncan	Madigan	Tauke
Dwyer	Marlenee	Tauzin
Dyson	Martin (IL)	Taylor
Edwards (AL)	Martin (NY)	Thomas (CA)
Edwards (OK)	McCain	Thomas (GA)
Emerson	McCandless	Udall
English	McCollum	Valentine
Erdreich	McDade	Vander Jagt
Erlenborn	McGrath	Vandergriff
Evans (IA)	McKernan	Vucanovich
Fascell	McKinney	Walker
Fiedler	Mica	Watkins
Fields	Michel	Weber
Fish	Minish	Whitehurst
Flippo	Molinari	Whitley
Fowler	Mollohan	Williams (OH)
Franklin	Montgomery	Wilson
Frenzel	Moore	Winn
Frost	Moorhead	Wise
Gaydos	Morrison (WA)	Wolf
Gekas	Murtha	Wortley
Gibbons	Myers	Wright
Gilman	Nelson	Wylie
Gingrich	Nichols	Young (AK)
Glickman	Nielson	Young (FL)
Goodling	Nowak	Young (MO)
Gore	O'Brien	Zschau

NAYS—161

Ackerman	Berman	Coleman (TX)
Addabbo	Bonior	Collins
Akaka	Bonker	Conte
Albosta	Borski	Conyers
Anderson	Bosco	Crockett
Anthony	Boxer	D'Amours
Applegate	Brown (CA)	Daschle
AuCoin	Burton (CA)	Dellums
Barnes	Carper	Dicks
Bates	Carr	Dingell
Bedell	Clay	Dixon
Beilenson	Coelho	Donnelly

Dorgan	Leach	Richardson
Downey	Lehman (CA)	Rodino
Durbin	Lehman (FL)	Roe
Dymally	Leland	Rostenkowski
Eckart	Levin	Roukema
Edgar	Levine	Roybal
Edwards (CA)	Long (MD)	Russo
Evans (IL)	Lowry (WA)	Sabo
Fazio	Luken	Savage
Feighan	Lundine	Scheuer
Florio	Markey	Schroeder
Foglietta	Martinez	Schulze
Foley	Matsui	Schumer
Ford (MI)	Mavroules	Seiberling
Ford (TN)	Mazzoli	Shannon
Frank	McCloskey	Sikorski
Gejdenson	McHugh	Smith (IA)
Gonzalez	McNulty	Solarz
Gray	Mikulski	St Germain
Hall (IN)	Miller (CA)	Staggers
Hall (OH)	Miller (OH)	Stark
Harkin	Mineta	Stokes
Harrison	Mitchell	Studds
Hawkins	Moakley	Swift
Hayes	Moody	Synar
Heftel	Morrison (CT)	Torres
Hertel	Mrazek	Torricelli
Hopkins	Murphy	Vento
Hoyer	Natcher	Volkmer
Hughes	Oakar	Walgren
Jacobs	Oberstar	Waxman
Jones (NC)	Obey	Weaver
Jones (TN)	Ottinger	Weiss
Kaptur	Owens	Wheat
Kastenmeier	Panetta	Whitten
Kennelly	Patterson	Williams (MT)
Kildee	Paul	Wirth
Kleczka	Pease	Wolpe
Kogovsek	Penny	Wyden
Kolter	Rahall	Yates
Kostmayer	Rangel	Yatron
Lantos	Ratchford	

ANSWERED "PRESENT"—1

Bryant

NOT VOTING—36

Alexander	Garcia	Pritchard
Badham	Gephardt	Pursell
Bateman	Hall, Sam	Quillen
Bethune	Hatcher	Rudd
Boucher	Howard	Shelby
Brooks	Jeffords	Simon
Clarke	Lipinski	Skelton
Coyne	Marriott	Smith, Robert
de la Garza	Martin (NC)	Snyder
Early	McCurdy	Towns
Ferraro	McEwen	Traxler
Fuqua	Neal	Whittaker

□ 1610

The Clerk announced the following pairs:

On this vote:

Mr. Sam B. Hall, Jr., for, with Mr. Bryant against.

Mr. Fuqua for, with Mr. Howard against.

Mr. Skelton for, with Mr. Towns against.

Mr. McEwen for, with Mr. Garcia against.

Mr. Whittaker for, with Mr. Traxler against.

Mr. GONZALES changed his vote from "yea" to "nay."

Mr. BRYANT. Mr. Speaker, I have a live pair with the gentleman from Texas [Mr. SAM B. HALL, JR.]. If he had been present, he would have voted "yea." I, therefore, for purposes of executing this pair only, change my vote from "no" to "present."

Mr. BRYANT changed his vote from "nay" to "present."

So the motion was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have an additional 5 days in which to revise and extend their remarks on the Kemp-Murtha amendment.

The SPEAKER pro tempore (Mr. FOWLER). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 165: Page 44, after line 13, insert:

None of the funds appropriated in this Act for the purpose of providing military assistance to the Government of El Salvador shall be available after October 1, 1984, for obligation or expenditure unless the President has, by that date, prepared and transmitted to the Congress a report stating his determination that the Government of El Salvador has demonstrated progress towards free elections, land reform, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders.

MOTION OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LONG of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 165, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 166: Page 44, after line 13, insert:

CHAPTER XIII

DISTRICT OF COLUMBIA

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

Of the funds appropriated for "Governmental direction and support" for the fiscal year ending September 30, 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820; Public Law 98-125), $1,068,000 are rescinded: *Provided*, That the limitation on the amount of funds available to the District of Columbia Retirement Board in the fiscal year ending September 30, 1984, from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board is increased by $250,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation," $3,457,000, which includes a rescission of $351,000, an increase of $3,738,000 resulting from Reorganization Plan Numbered 1, 2, and 3 of 1983, effective March 31, 1983, and a further increase of $70,000: *Provided*, That notwithstanding the provision regarding the calculation of repayments by the District of Columbia Housing Finance Agency under the heading "Economic development and regulation" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820, 821; Public Law 98-125), for the fiscal year ending September 30, 1984, the District of Columbia Housing Finance Agency established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the General Fund an amount equal to the appropriated administrative cost plus interest at a rate of 4 percent per annum for a term of fifteen years, with a deferral of payments for the first four years.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice," $4,318,000.

PUBLIC EDUCATION SYSTEM

(RESCISSION)

Of the funds appropriated for "Public education system" for the fiscal year ending September 30, 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 821; Public Law 98-125), $6,912,000 are rescinded. This includes a rescission of $6,799,000 for the District of Columbia Teachers' Retirement Fund and a rescission of $113,000 for the School Transit Subsidy.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services," $12,739,000. This includes an increase of $14,050,000, a rescission of $1,240,600 as a result of Reorganization Plans Numbered 1, 2, and 3 of 1983, effective March 31, 1983, and a further rescission of $70,000.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works," $2,361,900. This includes an increase of $4,857,000 and a rescission of $2,495,100 as a result of Reorganization Plans Numbered 1, 2, and 3 of 1983, effective March 31, 1983, and Reorganization Plan No. 4 of 1983, effective March 1, 1984

REPAYMENT OF GENERAL FUND DEFICIT

Notwithstanding the provision regarding repayment of the General Fund deficit under the heading "Repayment of General Fund deficit" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), for the fiscal year ending September 30, 1984, $6,871,000 are appropriated for the purpose of reducing the General Fund accumulated deficit.

ADJUSTMENTS

In addition to the reduction in authorized appropriations and expenditures within object class 30A (energy), the Mayor shall make a reduction for the fiscal year ending September 30, 1984, in authorized appropriations and expenditures in the amount of $3,871,300 within one or several of the various appropriation headings in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), as amended by this Act: *Provided*, That the following programs shall not be affected by this reduction: (1) the Roving Leader Program, (2) the city-wide

and Ward 8 Home Purchase Assistance Program, (3) Department of Employment Services' job training and job subsidy programs, (4) the School Transit Subsidy, (5) General Public Assistance, (6) Medicaid and Medical Charities, (7) substance abuse treatment programs, (8) the Tuberculosis Clinic, and (9) the Mental Retardation and Development Program: *Provided further,* That, notwithstanding the provision regarding reductions within object class 13 under the heading "Adjustments" in the District of Columbia Appropriation Act, 1984, approved October 13, 1,983 (97 Stat. 823; Public Law 98-125), the Mayor shall not be required to reduce authorized appropriations and expenditures within object class 13 (additional gross pay) in the amount of $361,800 for the fiscal year ending September 30, 1984.

WASHINGTON CONVENTION CENTER

(NEW TITLE WITHIN THE GENERAL FUND)

For the "Washington Convention Center," $6,072,000: *Provided,* That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit.

CAPITAL OUTLAY

For an additional amount for "Capital outlay," $14,663,000. This includes an increase of $827,000 for "Project management" and an increase of $788,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated for "Washington Convention Center Enterprise Fund" for the fiscal year ending September 30, 1984, approved October 13, 1983 (97 Stat. 824; Public Law 98-125), $9,617,000 are rescinded.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 166 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

CHAPTER XIII

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for "Governmental direction and support", $250,000, which shall be derived from the earnings of the applicable retirement funds, to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That notwithstanding any other provision of law, the District of Columbia Retirement Board shall transfer to the District of Columbia $748,000 from the District of Columbia Police Officers and Fire Fighters' Retirement Fund and $1,199,000 from the District of Columbia Teachers' Retirement Fund in conformity with appropriation transfers contained in this Act: *Provided further,* That all budget requests and justifications for the District of Columbia government shall start with the amounts appropriated in the most recently enacted appropriation act and then explain changes from those amounts to the current budget request.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic development and regulation", $3,912,330, of which $1,313,000 shall be derived by transfer from the appropriation "Human support services" and $2,563,300 shall be derived by transfer from the appropriation "Public works": *Provided,* That notwithstanding the provision regarding the calculation of repayments by the District of Columbia Housing Finance Agency under the heading "Economic development and regulation" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820, 821; Public Law 98-125), for the fiscal year ending September 30, 1984, the District of Columbia Housing Finance Agency established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the agency's annual audited financial statement to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative cost plus interest at a rate of 4 percent per annum for a term of fifteen years, with a deferral of payments for the first four years.

PUBLIC SAFETY AND JUSTICE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public safety and justice", $4,318,000 of which $967,000 shall be payable from the revenue sharing trust fund: *Provided,* That $246,000 of this appropriation shall be derived by transfer from the appropriation "Governmental direction and support", $15,000 shall be derived by transfer from the appropriation "Economic development and regulation", $2,815,000 shall be derived by transfer from the appropriation "Public education system", and $479,000 shall be derived by transfer from the appropriation "Human support services".

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Human support services", $15,181,000, of which $287,000 shall be derived by transfer from the appropriation "Economic development and regulation", and $437,000 shall be derived by transfer from the appropriation "Public education system".

PUBLIC WORKS

(TRANSFER OF FUNDS)

For an additional amount for "Public works", $4,926,300, of which $611,000 shall be derived by transfer from the appropriation "Governmental direction and support", $97,300 shall be derived by transfer from the appropriation "Economic development and regulation", $3,660,000 shall be derived by transfer from the appropriation "Public education system", and $558,000 shall be derived by transfer from the appropriation "Human support services".

ADJUSTMENTS

In addition to the reduction in authorized appropriations and expenditures within object class 30A (energy) required by Public Law 98-125 (97 Stat. 823), the Mayor is authorized and directed to further reduce authorized appropriations and expenditures for the fiscal year ending September 30, 1984, in the amount of $12,000,300 within one or several of the various appropriation headings in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (Public Law 98-125), as amended by this Act: Provided, That notwithstanding the provision regarding reductions within object class 13 under the heading "Adjustments" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), the Mayor shall not be required to reduce authorized appropriations and expenditures within object class 13 (additional gross pay) in the amount of $361,800 for the fiscal year ending September 30, 1984: Provided further, That the Mayor is authorized and directed to further reduce authorized appropriations and expenditures as follows: $210,800 from "Governmental direction and support", $57,000 from "Economic development and regulation", and $94,000 from "Human support services".

WASHINGTON CONVENTION CENTER FUND

For the "Washington Convention Center", $6,072,000: Provided, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $14,663,000: Provided, That $827,000 shall be available for project management and $788,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated for "Washington Convention Center Enterprise Fund" for fiscal year 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 824; Public Law 98-125), $9,617,000 are rescinded.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is in the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 195: Page 61, line 8, strike out "$38,000,000" and insert "$30,000,000, together with $5,000,000 to be derived by transfer from unobligated balances of 'Emergency Relief' and $5,000,000 of appropriations to liquidate contract au-

thority to be transferred from Federal Aid Highways".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 195 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$35,000,000, of which $1,200,000 shall be derived by transfer from the unobligated balances of 'Interstate Commerce Commission, Salaries and expenses', and of which $3,800,000 shall be derived by transfer from the unobligated balances of 'Civil Aeronautics Board, Payments to air carriers';".

Mr. CONTE (during the reading) Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 201: Page 63, after line 23, insert:

"Construction, minor projects", an increase of $668,000 in the limitation on the expenses of the Office of Construction;

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 201 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"Construction, minor projects", an increase of $334,000 in the limitation on the expenses of the Office of Construction;

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 205: Page 65, line 2, strike out "$1,514,000" and insert "$2,838,000, of which not to exceed $800,000 shall be derived from "State and local assistance", and of which not to exceed $614,000 shall be derived from "Emergency planning assistance" ".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 205 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$2,131,000, of which not to exceed $400,000 shall be derived from "State and local assistance", and of which not to exceed $307,000 shall be derived from "Emergency planning and assistance" ".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 208: Page 67, strike out all after line 21 over to and including line 3 on page 68.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House insist on its disagreement to the amendment of the Senate numbered 208.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

Mr. WHITTEN. Mr. Speaker, I have no requests for time.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Speaker, the House should hold firm on the Conte amendment which prohibits the Postal Service from unilaterally restructuring its employee pay scheme, which is set through collective bargaining. This amendment prevents Postmaster General William F. Bolger from cutting the pay of new employees by 23 percent. The Postal Service announced this plan on the day the old collective bargaining agreement ran out. There is no doubt that this move was an attempt by the Postmaster General to bust the postal unions.

The Conte amendment does not set pay. All it does is require the Postal Service to follow the law and engage in good faith collective bargaining with its employees. It's that simple. The Postal Reorganization Act of 1970 set collective bargaining as the way that wages would be set for postal workers. If agreement cannot be reached, arbitration must be used. There is no right to strike. The procedures are clear and they are fair. The Postal Service ought to follow the law.

In this year's contract negotiations, the Postal Service has crossed the line from being a tough bargainer to being an unfair employer. The Postal Service has hired a union busting law firm to set negotiating policy. It has unilaterly attempted to establish a two-tier wage system, with new hires getting 23 percent less. Postmaster General Bolger has mounted his soapbox to declare that postal workers, who average $23,000 a year, are overpaid. And, to rub it in, Mr. Bolger told the Washington Post last Sunday that he is underpaid because he makes only $82,900 a year.

Although Congress no longer sets postal rates, we still set the law under which the U.S. Postal Service must operate. The Postal Service has no right to violate the law requiring collective bargaining.

Mr. CONTE. I thank the gentlewoman from Colorado for her great contribution.

Mr. Speaker, I yield myself such time as I may consume.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Speaker, the House should stand by the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

All this does is require the Post Office to enforce existing law and not to change regulations. There are negotiations going on which follow the normal procedure, and that is what should be done. That is why this should be done. That is why this amendment becomes so important, for the Post Office to continue existing law.

Mr. WHITTEN. Mr. Speaker. I yield such time as he may consume to the gentleman from Massachusetts. [Mr. BOLAND].

Mr. BOLAND. I thank the gentleman.

Mr. Speaker, I rise in support of the amendment offered by the gentleman from Massachusetts.

Mr. Speaker, as a member of the conference of the 1984 supplemental appropriations bill, I strongly support-

ed the House position on the Conte amendment to preserve neutrality in the ongoing factfinding and arbitration process involving the U.S. Postal Service and over 500,000 to its employees.

The Conte amendment prohibts the use of appropriated funds to implement unilateral changes in pay and benefits pending the outcome of the statutory procedures set forth under the Postal Reorganization Act. The sole purpose of this amendment is preserve neutrality and the status quo. No party may do anything to effect compensation changes except by reaching mutual agreement or by implementing the award of the statutory arbitration board.

Mr. Speaker, Congress should not become involved in postal contract negotiations. In fact, the Conte amendment does not do that. The amendment is designed to prohibit the Postal Service from imposing an unfair, unilateral action before an agreement is reached or the impasse mechanism are exhausted. This amendment deals only with the process of negotiations, not the issues under consideration.

Our colleague Congressman UDALL, the principal author of the Postal Reorganization Act, has said on this issue: "It was the intent of the 1970 law to require that no changes in wages and working conditions should be established before the Postal Service and the union either reach agreement on a new contract or the impasse procedure has been fully exhausted."

Mr. Speaker, adoption of the Conte amendment is Congress way of reconfirming the intent of the 1970 law passed by Congress. This amendment just mandates that the U.S. Postal Service live up to this law. It would prohibit the Postal Service from using any appropriations to implement the two-tier pay system, reduced annual leave, and reduced sick leave for new employees.

Therefore, Mr. Speaker, I continue to strongly support the position of the House conferees on the Conte amendment.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. I appreciate my friend from Massachusetts yielding to me.

Mr. Speaker, I rise in support of the amendment offered by the gentleman from Massachusetts [Mr. CONTE] and commend the gentleman for his advocacy on this issue.

The point here is one of fairness. The U.S. Postal Service provides a unique and vital service to this Nation and, thus, the Postal Service and its employees are covered by a unique set of laws that are encompassed in the Postal Service Reorganization Act of 1970.

Key among the provisions of this act are the rights of the postal workers to bargain collectively and the prohibition against strikes by postal workers. The law also provides the framework for the settlement of disputes and the intent of the law is clearly to prevent unilateral action by either side.

The Conte amendment underscores this intent. We expect the postal worker to stay on the job during any contract negotiations. They, in turn, expect us to protect their right to have their grievances negotiated in good faith.

These mutual expectations are addressed in the postal laws and should be respected. I urge the House to insist on the Conte amendment to assure that they are.

I thank the gentleman again for his courage.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman from Massachusetts for yielding.

Again, I want to join others in congratulating him on his leadership on this issue. I was pleased to rise and speak on behalf of this amendment when the House adopted it when the bill was on the floor of the House.

I would urge the House to strongly support the gentleman from Massachusetts and the House's position in this amendment because, as has been pointed out, it simply retains the parties in status quo during the period of time that they are in arbitration.

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Unlike private-sector employees, the public employees cannot walk off, and we do not want them to walk off, have a job action, or strike. As a result, I think it is important that we adopt the gentleman's language, and I am in strong support of our retaining and rejecting the Senate's position.

Mr. Speaker, I rise in strong support of affirming the position of the House in true disagreement with the Senate on the Conte amendment prohibiting the Postal Service from restructuring employee compensation levels.

The Conte amendment, which passed the House by voice vote last week, essentially restates congressional intent by protecting the collective bargaining rights of postal workers. Two weeks ago, the Postal Service unilaterally decided that employees hired after August 4, 1984, would take a 23-percent cut in salary. The Postal Service refused to bargain on this pay cut and, instead, has informed postal employee organizations that "* * * we will implement, effective the next payroll period, the pay schedule, annual leave, and sick leave benefits for new employees contained in that final offer."

This amendment takes no sides in the negotiations between the Postal Service and the unions which represent postal employees. Instead, the amendment protects those employees not yet hired by the Postal Service from the arbitrary, and unreasonable actions of the Postal Service. Additionally, the amendment serves a warning to the Postal Service that the Congress will not tolerate self-serving interpretations of the law.

The actions of the Postal Service are threatening a cooperative labor-management atmosphere at the Postal Service that has resulted in the U.S. Postal Service being the most efficient and productive postal system in the world. The Conte amendment is neither a prolabor nor a promanagement vote. Instead it is an absolutely essential statement by the Congress that arbitrariness in the collective bargaining is not only violative of congressional intent, it also will not be tolerated by the Congress who worked long and hard to craft a fair bargaining process in the Postal Reorganization Act of 1970.

I urge my colleagues to overwhelmingly endorse the House's position on this amendment.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of the gentleman's amendment, and I commend the gentleman from Massachusetts [Mr. CONTE] for bringing the measure to the floor at this time, a very critical time during some very important negotiations. The Conte amendment to the conference report on H.R. 6040, the supplemental appropriations bill, prohibits the use of appropriated funds to implement unilateral changes in pay and benefits pending the outcome of the statutory procedures set forth under the Postal Reorganization Act. It will send what I believe to be, that which is currently most needed by the management of the U.S. Postal Service [USPS]: A strong, unabashed signal that they must follow the law.

The Postal Service Reorganization Act of 1970 grants the postal workers the right to bargain collectively. This law is designed to protect the public interest in that it provides for an orderly and fair process to negotiate union agreements. If an existing contract expires and the parties involved are at an impasse, then a 45-day factfinding period begins. If the issues are still not resolved at this point, then negotiations are referred to a three-member arbitration board to conclude a binding agreement.

At no point, Mr Speaker, does the Reorganization Act allow postal workers or management, to ignore the process that it so clearly sets down. We

expect our postal employees to refrain from striking or any job actions. Likewise, we also expect management to work with labor to resolve difficulties.

With the current negotiations heading for the binding arbitration stage, this is not the time to create ill will. Both parties are going to have to work hard at accepting the agreement that will be handed down to them. If morale is damaged now, it will be that much harder to heal any wounds later.

The Conte amendment that was unanimously adopted by the House just over a week ago, is designed to prohibit the Postal Service from imposing, unilateral action before an agreement is reached. However, news reports point out that the Postal Service announced that new employees will be paid about 24 percent less than those already on the employee roles.

Such a move would circumvent the spirit of sound and fair management/employee relations. In order to preserve neutrality and the status quo in the bargaining process, I urge my colleagues to support this amendment.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Post Office and Civil Service.

Mr. FORD of Michigan. Mr. Speaker, as the chairman of the committee with jurisdiction over authorizing legislation for the Post Office, I urge in the strongest possible terms that we accept this limitation on expenditures known as the Conte amendment.

For about 14 years now, since 1970, we have had a lawful process on the books written by some of us here. I was one of those who participated, along with President Nixon's people. It could not be called a prolabor or an antilabor solution that we reached. If we would go back and look at the debates, we would find that there was so much of an agreement that there was never an argument in the committee or on this floor about those provisions governing what happens if the bargaining between the 500,000 employees of the Post Office and management breaks, down, if there is an impasse.

We provided a piece of machinery, and we said, "You will go through these steps, and then you will abide and you will both be bound by what those steps produce." For the first time since that has been on the books, postal management, for reasons that escape me, has taken this action. I do not think the Postmaster General would have done this without serious interference from people who never should have been meddling in this process in the first place.

In any event, what has happened now is provocative and foolish and threatends the continued daily operation of the Postal Service, which this year will carry 130 billion pieces of mail if we let it function the way it is supposed to.

All the Conte amendment does is to say, "Don't do anything foolish. Wait and let the rules work the way they are supposed to work. Don't try to take advantage of each other."

I would call on all the postal workers, if this amendment is adopted, to observe the fact that Congress has asked them to hold the status quo, and I would ask that managment would respond in kind by going back through the process the way they should and not provoke untoward action by anyone.

Mr. Speaker, the sole purpose of the Conte amendment is to preserve the integrity of the statutory factfinding and arbitration process which, if allowed to work, will resolve the present collective bargaining impasse between the U.S. Postal Service and the unions representing over 500,000 postal employees.

As we all know, these negotiations have been troubled from the start, and the existing contracts expired at midnight on July 20 with no new agreement having been reached and numerous controversial issues outstanding.

Title 39 of the United States Code prescribes an orderly, fair, and peaceful process for resolving postal bargaining disputes such as this. I regret to report, however, that one party to the dispute—Postal Service management—is not adhering to this process.

Instead of pursuing its goals peacefully, through the statutory factfinding and arbitration process, Postal Service management on July 25 unilaterally implemented a new pay and benefits system for incoming employees.

Private-sector labor law is clear: When impasse is reached, management may implement its final offer. The union, however, has the concomitant right to strike, thus ensuring parity of bargaining power. In this case, though, the unilateral action destroys parity. The postal unions are barred from striking. The act's factfinding and arbitration compensation procedures exist not merely as a substitute for private sector labor's right to strike, but also as a substitute for private sector management's right to unilateral implementation.

I believe that the unilateral changes that the Postal Service intends to implement are illegal under the Postal Reorganization Act. When the act passed, it was my understanding, the understanding of the committee, and the understanding of the Congress that, if any disputes remained upon the expiration of any collective bargaining agreement, all parties would be required to respect the status quo pending exhaustion of the dispute resolution machinery established by section 1207 of title 39.

The Conte amendment restores the status quo and ensures neutrality while the statutory process works its will. The Postal Service may not use any funds made available to it under any act—including the Postal Reorganization Act—to implement compensation changes except in accordance with a negotiated agreement or an arbitration award.

I urge support for the House position on the Conte amendment.

Mr. CONTE. Mr. Speaker, I thank the gentleman from Michigan [Mr. FORD].

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House conferees by a vote of 15 to 1 agreed to hold firm on this provision. During the conference late last night, the Senator from Alaska offered a substitute amendment, a sense of the Congress resolution. This substitute was unacceptable to the House.

I hope the House will now insist on its position.

Throughout the short life of this provision there has been a lot of confusion, the misunderstanding, and a few misleading statements about this funding prohibition.

Essentially, this amendment is designed to ensure that the Postal Service Reorganization Act of 1970 is implemented as the Congress intended. The law provides for a specific, orderly and fair procedure to establish a collective bargaining agreement for some 600,000 postal workers.

I'm sure that Members are familiar with the current stalemate in employee contract negotiations. The latest union contract expired on July 20, 1984; 600,000 unionized employees are now working without a collective-bargaining agreement. At the end of the negotiation process, both sides were still miles apart from reaching common ground. However, the specific issues involved in the negotiations are not the reason for this provision. In 1970, the Congress attempted to depoliticize, as much as possible, the workings of the Postal Service. The problem now is not with the particular issues or demands under negotiation, but with an abuse of the process as provided in the law.

The Postal Service Reorganization Act of 1970 grants the postal workers the right to bargain collectively. Designed to protect the public interest, the law provides for an orderly and fair process to negotiate union contract agreements. If an existing contract expires and the parties involved are at an impasse, then a 45-day factfinding period begins. If the issues are still not resolved at this point, the negotiations are referred to a three-member arbitration board to conclude a binding agreement.

In return for this right to bargain collectively, we expect postal employees to refrain from strikes or any job actions. The experience in 1970 should remind members of the reason for this prohibition.

Recent news reports about unilateral moves by the U.S. Postal Service are disturbing to many Members of Congress, including myself; 2 weeks ago, the Postal Service announced that newly hired employees would be paid about 23 percent less than current workers. With the negotiations heading for the binding arbitration stage, the Postal Service has decided to impose one of its demands, subverting the process povided in the Reorganization Act. This is unfair and a breach of the agreement reached by Congress in the 1970 Reorganization Act.

This amendment is designed to prohibit the Postal Service from imposing this unfair, unilateral action before an agreement is reached. The amendment deals only with the process of negotiations, not the issues under consideration. It says that there can be restructuring of the employees compensation practices until there is a negotiated agreement as provided by the law. If there are changes to be made in employee compensation, let those changes develop as a result of the negotiation process designed by Congress and in effect for 14 years.

Let me emphasize to the House, the amendment is not an attempt to take sides in the dispute, but an effort to make sure that the procedures mandated by the Congress are followed during this negotiation. The Congress has an obligation to insure that the spirit and intent of the law is fullfilled. Postal workers are Federal employees and should have all the rights and protections reserved for them by the law, nothing more or nothing less.

I urge my colleagues to insist on the House-passed position.

The SPEAKER pro tempore. Does the gentleman from Mississippi [Mr. WHITTEN] seek time?

Mr. WHITTEN. Yes; Mr. Speaker.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROYBAL], the chairman of the subcommittee which deals with this subject.

Mr. ROYBAL. Mr. Speaker, what this amendment actually does is just restore the language that was deleted by the other body, the language that was passed by the House, language that I think should be restored.

The language reads:

None of the funds made available to the U.S. Postal Service under this or any other Act may be used to restore employee compensation practices as in effect under the most recently effective collective bargaining under section 1206 of title 39, United States Code, except in accordance with the result of procedures set forth in section 1207 of such title.

This merely puts back in place the language and makes it possible for the Postal Service to continue its present employment procedures, not to make any changes until such time as a final determination is made either by arbitration or by any other means.

Mr. Speaker, I urge my colleagues to support the motion offered by the chairman of the committee.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I would call attention to the fact that in the beginning I got unanimous consent for all Members to revise and extend their remarks on this bill or any amendment thereto.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I rise in strong support of the motion to insist on disagreement to the Senate amendment regarding the prohibition on the use of funds by the U.S. Postal Service for the purpose of restructuring employee compensation practices and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, the Postal Services Reorganization Act of 1970 grants postal employees the right to bargain collectively and establishes an orderly procedure for the renewal of contract agreements. On July 20, 1984, the latest union contract expired and renewal negotiations appear to be headed toward binding arbitration as provided in the 1970 Reorganization Act.

The House language became necessary when the Postal Service announced that new employees hired after August 4, 1984, would be paid at 23 percent less than current employees. This unilateral restructuring of the employee compensation system undermines the entire collective bargaining procedure set up by the Congress. The House language is in no way intended to prejudice either side in the current contract negotiations. It is designed merely to assure that employee wages and other compensation matters are decided through negotiation and not imposition. Congress developed the collective-bargaining process for postal workers. It is the duty of Congress to make certain that process works.

When Congress denied postal employees the right to strike, we promised them an orderly and fair process to resolve contract disputes. The arbitrary action by the Postal Service cuts into the heart of that promise and leaves the employees with little incentive to live up to their side of the bargain.

I urge Members to support the motion and I commend my colleague from Massachusetts for his leadership on this important issue.

Mr. BARNES. Mr. Speaker I rise in strong support of the amendment of the gentleman from Massachusetts [Mr. CONTE] for a number of compelling reasons:

First, we have to play by the rules. This amendment simply asks the Postmaster General to play by the rules as set forth in the Postal Reorganization Act. The rules say that Postal Service must bargain collectively with its employees. If the parties cannot agree, the rules provide a reasonable process for resolving the dispute. When the Postmaster General of the United States announces that he regards the rules as an impediment to his plans for the Postal Service—and when the Postmaster General puts his plans above the law—Congress must respond.

Second, maintain effective postal operations. The issue before us is not whether postal employees should be paid at one level or another. Employees rightfully regard the Postmaster General's action to implement a two-tiered system as a breach of faith. At a time when the Postal Service operates at a surplus and postal employee productivity is second to none, such a breach of faith makes no sense. I sincerely hope that those who interpret the Postmaster General's action as an effort to provoke confrontation with postal employees have misinterpreted the Postmaster General's intentions. Nevertheless, I believe that the gentleman's amendment will encourage the Postmaster General to take steps to avoid confrontation.

Third, no one wants to disrupt or impair postal operations right before a Presidential election. If we invite the consequences of the Postmaster General's proposal, if we allow postal delivery to be disrupted, we are playing a very dangerous game of economic and political roulette. I am sure that my colleagues understand that this is a game without winners. If we allow the Postmaster General to play this game, our economy will lose and the taxpayers will lose. Equally important, we should not let the Postmaster General's intransigence have any direct bearing upon the 1984 election.

Fourth, collective bargaining and sound management. The Postmaster General has expressed his distaste for the collective-bargaining process. He regards it as an impediment to effective management of the Postal Service.

The Postmaster General believes that the reasons that required Congress to enact collective-bargaining laws no longer apply. But those reasons do apply. It's just as true today as it was 50 years ago that it's better to resolve conflict between an employer and his or her employees peacefully

and reasonably. It will be ironic indeed, if the Postmaster General's actions catalyze the kind of reaction that collective bargaining has enabled us to prevent.

I urge Members to support the gentleman's amendment, because in the final analysis no one in this Chamber who has any understanding of business in our country believes that it's either fair or responsible to ask employees to work side by side—doing the same work—when one group earns one fourth less pay.

Time and again this body has gone on record on the principle of equal pay for equal work. This instance is no exception, because we understand all too well that schemes that cook up wage differentials such as this one offer us a recipe for madness.

Mr. FOGLIETTA. Mr. Speaker, I rise in strong support of the Conte amendment, and urge my colleagues to reaffirm the House's original position on this important issue.

The facts are clear. The Postal Service and the Postal Unions are at an impasse in their contract talks, and the Postal Service has gone ahead and unilaterally implemented a policy that is one of the main issues of contention—a 23-percent wage rate cut for new employees.

In the private sector, when management imposes its last offer, labor has the right to strike. In the public sector, however, we resolve the conflict through binding arbitration, as the law specifically requires. Just as the public employees do not have the right to strike, public-sector management does not have the right to impose its offer.

When the House first considered this issue during debate on the supplemental appropriation bill, it had the wisdom to include language prohibiting the Postal Service from acting unilaterally and destroying the carefully crafted balance of power that the law creates. It's really the only fair thing to do.

This is not a vote on whether or not you like the current wage scale for postal employees, or even whether you necessarily support the Postal Unions on this point of disagreement. In reality, this is a vote for the process, and for fairness. I urge my colleagues to stick with the equitable position that we first took on this issue, by insisting on the House position.

Mr. MORRISON of Connecticut. Mr. Speaker, I rise in support of the Conte amendment which restores to H.R. 6040, the urgent supplemental, the orginal language passed by the House of Representatives when it voted on this bill.

This amendment, the language of which was deleted in the other body, prohibits the Postal Service from using appropriated funds to implement its unilaterally imposed two-tier salary system. It precludes funds for an action that is possibly illegal and certainly devastating to the morale of postal workers, a group of workers deserving praise and respect, not union-busting threats and criticisms of employee pay and benefit levels.

Mr. Speaker, when Congress passed the Postal Reorganization Act in 1970 it expected that labor disputes remaining on the expiration date of any collective-bargaining agreement would be resolved within the confines of the dispute resolution procedures established in section 1270 of that act. I believe that the unilateral changes that the Postal Service intends to implement are, at worst, illegal under the act, and at best, clearly contrary to the intent of Congress when it passed the legislation.

Private sector labor law is clear: when impasse is reached, management may implement its final offer. The union, however, has the concomitant right to strike, thus insuring parity of bargaining power. In this case, though, the unilateral action destroys parity. The postal unions are barred from striking. The act's factfinding and arbitration procedures exist not merely as a substitute for private sector labor's right to strike, but also as a substitute for private sector management's right to unilateral implementation.

I believe that the unilateral changes that the Postal Service intends to implement are illegal under the Postal Reorganization Act. When the act was passed, it was my understanding, the understanding of the committee, and the understanding of the Congress that, if any disputes remained upon the expiration of any collective-bargaining agreement, all parties would be required to respect the status quo pending exhaustion of the disput resolution machinery established by section 1207.

The provisions of the act that bar the right to strike and establish the fact-finding and arbitrary procedures were meant to be as much a control on management as on labor. The act consciously traded away rights usually enjoyed by labor in return for fair and just practices by management.

Mr. Speaker, support of the Senate language more than condones the action taken by the Postal Service, it applauds and rewards it. I do not think that this Congress should be in the practice of offering such rewards.

I urge this body to vote for the Conte amendment to send a message to the management of the Postal Service that we respect the law and so should it.

● Mr. GARCIA. Mr. Speaker, the gentleman from Massachusetts introduced an amendment regarding the contract talks between the U.S. Postal Service and employee unions that puts into perspective the importance of good-faith efforts in the collective bargaining process.

The implementation of a two-tiered pay and benefits system is a clear rejection of the fair play and integrity intended by Congress between employees and management as outlined in the 1970 Postal Reorganization Act. The Postal Service is bullying its employees. The action was unilateral; that is, employees have no way to fight back. they are left with no recourse.

It is not my intention, nor was it the intention of the gentleman from Massachusetts, to take sides in these negotiations. What this amendment does, what I insist upon, as do many of my colleagues, is a return to fairness in contract talks—no more, no less.

The Chairman of the Post Office and Civil Service Committee, Mr. Ford, put it clearly in a letter he sent to Postmaster General Bolger when he said, "Whatever is achieved by this action is being purchased at the cost of a generation of ill will and devastated morale."

I strongly urge my colleagues to support this amendment. It is by no means a partisan issue. It is a question of justice. It is a question of living up to the spirit of the law as well as the letter.●

● Mr. DYMALLY. Mr. Speaker, I rise in strong support of the Hoyer-Conte amendment. The amendment would prohibit the postmaster from using funds in this supplemental to enact a two-tier pay system within the Postal Service. Under the Postal Reorganization Act, procedures were set in place for resolving disputes between postal workers and management. Without this amendment, the postmaster would carry through plans already announced to unilaterally lower wages and benefits for a new postal workers by 23 percent, thus creating a two-class system within the Postal Service. I believe that in 1970 the Congress set in place a workable system for negotiating contracts and wage disputes. As all of your know, postal workers are not allowed to strike to gain their rights. Their only recourse is the system we have set up for negotiating disputes.

We must not allow the postmaster to ignore the system set up by Congress to deal with matters of this sort. The issue of the two-tier system was brought up in the course of negotiations to renew the Postal Service workers contract which expired on July 21. That issue, and indeed the new contract itself, have not yet been settled. It is premature to say the least for the postmaster to announce that as of August 4 of this year new hires will come in at a much lower wage than others who are now doing the same work as the new hires would do. His action ignores the process this

Congress set in place, it ignores the right of workers to bargain for fair treatment, and it cuts against a belief that many of us hold strongly—that people who do equal work should get equal pay. I think we must uphold the Hoyer-Conte amendment. We must do it if we really believe that the laws Congress sets in place should be followed—even by other Government officials. And we must do it if we believe that employees deserve the chance to negotiate for a fair wage.●

● Mr. LELAND. Mr. Speaker, I rise in support of the amendment offered by my colleague Mr. CONTE.

As chairman of the Subcommittee on Postal Personnel and Modernization I strongly oppose the action taken by the Postal Service's Board of Governors and Postmaster General to unilaterally impose pay for further hires of the Postal Service. This action by the Postal Service does not conform to the statutory standard of good faith, the standard in all collective bargaining.

When this body passed the Postal Reorganization Act of 1970 it set up a process of collective bargaining which was to be a bilateral process between the U.S. Postal Service and the Postal Unions, clearly intending that these parties were to be equal partners in the process. The clear intention of the act was that the status quo, that is, the contract provisions that the employees are presently working under, should remain in effect until the parties have come to agreement on the terms of a new contract.

It is the responsibility of this body to see that the U.S. Postal Service complies with both the letter and spirit of the law. This amendment will require the U.S. Postal Service to comply with the mandate and intent of the Postal Reorganization Act, which is to maintain the status quo until the arbitration process is completed. I urge my colleagues to support this amendment.●

● Mr. ALBOSTA. Mr. Speaker, the U.S. Postal Service announced on July 25 that it was unilaterally imposing a reduction in pay and benefits, on the order of 23 percent, for new employees and a freeze for all other worker's pay. The Postmaster General took this action in spite of the fact that the lack of an agreement between the parties in the time provided under the Postal Reorganization Act had already triggered the mandatory arbitration process required by the Act.

The Postal Service contends that it has the legal right to implement its last proposals, or final offer, since the parties have reached an impasse. This would be true, and fair, and logical if the postal workers were not forbidden by law from striking. Since they are forbidden to strike, the act provides an automatic arbitration process. The Congress intended that this process would be used in the event of a stalemate in bargaining.

Postal Management and all Members of Congress must realize that our constituents depend on a reliable Postal Service—and we do have the best in the world. Our constituents also have more direct contact with Postal employees than with any other Federal employees—including their Representatives in Congress.

The arbitration process in the Postal Reorganization Act was designed to insure the continued reliable operation of the Postal Service through a process where impartiality is the rule. The employees, who are spread throughout the country, need to be assured that impartiality and objectivity will prevail in settling disagreements that are not settled through primary contract negotiations.

I am concerned that the Postal Service's losing sight of that can only result in strained long-term relations between the employees and the Postal Service management. Since so much of the mission of the U.S. Postal Service consists of direct service to the public in every city, town, and village, I urge both sides to place their faith in the arbitration process and proceed in good faith with one another.●

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 1, not voting 53, as follows:

[Roll No. 370]

YEAS—378

Ackerman	Bennett	Brown (CA)
Addabbo	Bereuter	Brown (CO)
Akaka	Berman	Broyhill
Albosta	Bevill	Bryant
Anderson	Biaggi	Burton (CA)
Andrews (NC)	Bilirakis	Burton (IN)
Andrews (TX)	Bliley	Byron
Annunzio	Boehlert	Campbell
Anthony	Boggs	Carney
Applegate	Boland	Carper
Archer	Boner	Carr
Aspin	Bonior	Chandler
AuCoin	Bonker	Chappell
Barnard	Borski	Chappie
Barnes	Bosco	Cheney
Bartlett	Boxer	Clay
Bates	Breaux	Clinger
Bedell	Britt	Coats
Beilenson	Broomfield	Coelho
Coleman (MO)	Hillis	Nichols
Coleman (TX)	Holt	Nielson
Collins	Hopkins	O'Brien
Conable	Horton	Oakar
Conte	Hoyer	Oberstar
Conyers	Hubbard	Obey
Cooper	Huckaby	Olin
Corcoran	Hughes	Ortiz
Coughlin	Hunter	Ottinger
Courter	Hutto	Owens
Crane, Daniel	Hyde	Oxley
Crane, Philip	Ireland	Packard
Crockett	Jacobs	Panetta
D'Amours	Jenkins	Parris
Daniel	Johnson	Pashayan
Dannemeyer	Jones (NC)	Patman
Darden	Jones (OK)	Patterson
Daschle	Jones (TN)	Pease
Daub	Kaptur	Penny
Dellums	Kasich	Pepper
Derrick	Kastenmeier	Petri
DeWine	Kazen	Pickle
Dickinson	Kemp	Porter
Dicks	Kennelly	Price
Dingell	Kildee	Rahall
Donnelly	Kindness	Rangel
Dorgan	Kleczka	Ratchford
Dowdy	Kogovsek	Ray
Downey	Kolter	Regula
Dreier	Kostmayer	Reid
Duncan	Kramer	Richardson
Durbin	LaFalce	Ridge
Dwyer	Lagomarsino	Rinaldo
Dymally	Lantos	Ritter
Dyson	Latta	Roberts
Eckart	Leach	Robinson
Edgar	Lehman (CA)	Roe
Edwards (AL)	Leland	Roemer
Edwards (CA)	Lent	Rogers
Edwards (OK)	Levin	Rose
Emerson	Levine	Rostenkowski
English	Levitas	Roth
Erdreich	Lewis (CA)	Roukema
Evans (IA)	Lewis (FL)	Rowland
Evans (IL)	Livingston	Roybal
Fascell	Lloyd	Russo
Fazio	Loeffler	Sabo
Feighan	Long (LA)	Savage
Fiedler	Long (MD)	Sawyer
Fields	Lowery (CA)	Schaefer
Fish	Lowry (WA)	Scheuer
Flippo	Lujan	Schneider
Florio	Luken	Schroeder
Foglietta	Lungren	Schulze
Foley	Mack	Schumer
Ford (MI)	MacKay	Seiberling
Ford (TN)	Madigan	Sensenbrenner
Fowler	Markey	Sharp
Frank	Marlenee	Shaw
Franklin	Martin (IL)	Shuster
Frost	Martin (NY)	Sikorski
Gaydos	Martinez	Sisisky
Gejdenson	Matsui	Skeen
Gekas	Mavroules	Slattery
Gibbons	Mazzoli	Smith (FL)
Gilman	McCain	Smith (IA)
Gingrich	McCandless	Smith (NE)
Glickman	McCloskey	Smith (NJ)
Gonzalez	McCollum	Smith, Denny
Goodling	McDade	Snowe
Gore	McGrath	Solarz
Gradison	McHugh	Solomon
Gramm	McKernan	Spence
Gray	McKinney	Spratt
Green	McNulty	St Germain
Gregg	Mica	Staggers
Guarini	Mikulski	Stangeland
Gunderson	Miller (CA)	Stark
Hall (IN)	Miller (OH)	Stenholm
Hall (OH)	Mineta	Stokes
Hall, Ralph	Minish	Stratton
Hamilton	Mitchell	Studds
Hammerschmidt	Moakley	Stump
Hance	Molinari	Sundquist
Hansen (ID)	Mollohan	Swift
Hansen (UT)	Montgomery	Synar
Harkin	Moody	Tallon
Harrison	Moore	Tauke
Hartnett	Morrison (CT)	Tauzin
Hawkins	Morrison (WA)	Taylor
Hayes	Mrazek	Thomas (CA)
Hefner	Murphy	Thomas (GA)
Heftel	Murtha	Torres
Hertel	Myers	Torricelli
Hightower	Natcher	Udall
Hiler	Nelson	Valentine

Vander Jagt	Wheat	Wolpe
Vandergriff	Whitehurst	Wortley
Vento	Whitley	Wright
Volkmer	Whitten	Wyden
Vucanovich	Williams (MT)	Wylie
Walgren	Williams (OH)	Yates
Watkins	Wilson	Yatron
Waxman	Winn	Young (AK)
Weaver	Wirth	Young (FL)
Weber	Wise	Young (MO)
Weiss	Wolf	Zschau

NAYS—1

Paul

NOT VOTING—53

Alexander	Gephardt	Pritchard
Badham	Hall, Sam	Pursell
Bateman	Hatcher	Quillen
Bethune	Howard	Rodino
Boucher	Jeffords	Rudd
Brooks	Leath	Shannon
Clarke	Lehman (FL)	Shelby
Coyne	Lipinski	Shumway
Craig	Lott	Siljander
Davis	Lundine	Simon
de la Garza	Marriott	Skelton
Dixon	Martin (NC)	Smith, Robert
Early	McCurdy	Snyder
Erlenborn	McEwen	Towns
Ferraro	Michel	Traxler
Frenzel	Moorhead	Walker
Fuqua	Neal	Whittaker
Garcia	Nowak	

□ 1640

Mr. ECKART and Mr. STUMP changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 209: Page 68, after line 3, insert:

SEC. 303. The project for Bonneville Lock Dam, Second Powerhouse, Washington and Oregon, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire in the Steigerwald Lake Wetlands Area, Clark County, Washington, not more than 1,000 acres of land at an estimated cost of $8,500,000 for the fish and wildlife mitigation purposes associated with this project. The Secretary is further authorized to undertake initial development of such lands and convey without monetary consideration the lands to Department of Interior, United States Fish and Wildlife Service for operation and maintenance.

An additional amount of $8,500,000, to remain available until expended, is hereby appropriated for "Construction, general", Corps of Engineer—Civil, Department of the Army to carry out the provisions of this section.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 209 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "303(a)".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 210: Page 68, after line 3, insert:

SEC. 304. No funds appropriated by this or any other Act to the Federal Communications Commission may be used prior to June 30, 1985, to implement the Commission's decision adopted on July 26, 1984, in Docket GEN 83-1009 as it applies to television licenses. The term "implement" shall include but not be limited to processing, review, approval, or acquisition of any interest in or the transfer or assignment of television licenses.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 210 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 304. No funds appropriated by this or any other Act to the Federal Communications Commission may be used to implement the Commission's decision adopted on July 26, 1984, in Docket GEN 83-1009 as it applies to television licenses, prior to April 1, 1985, or for 60 days after the Commission's reconsideration of its decision in this matter, whichever is later. The term "implement" shall include but not be limited to processing, review, approval, or acquisition of any interest in or the transfer or assignment of television licenses.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 214: Page 68, after line 3, insert:

SEC. 308. (a) The Congress finds that—

(1) the export of American poultry meat products has reduced our Nation's annual trade deficit by over $275,000,000 but has declined for two straight years;

(2) an even more drastic decline in the exports of American shell eggs has occurred over the same period of time and many foreign markets have been completely lost;

(3) the decline of such exports is largely a result of the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil;

(4) the United States has been engaged for almost three years in negotiations with such countries to end the use of such subsidies but has been unable to make substantial progress in ending such subsidies; and subsidies are expected to be held in October 1984.

(b) It is the sense of the Congress that the President should use all practicable means to negotiate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil in order to permit American producers to compete more fairly in international markets and to avoid the imposition of such subsidies by the United States.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 214 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 308. (a) The Congress finds that—

(1) the export of American poultry meat products has reduced our Nation's annual trade deficit by over $275,000,000 but has declined for two straight years;

(2) an even more drastic decline in the exports of American shell eggs has occurred over the same period of time and many foreign markets have been completely lost;

(3) the decline of such exports is largely a result of the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil;

(4) the United States has been engaged for almost three years in negotiations with such countries to end the use of such subsidies but has been unable to make substantial progress in ending such subsidies; and

(5) further negotiations to end the use of such subsidies are expected to be held in October 1984.

(b) It is the sense of the Congress that—

(1) the President should use all practicable means to necessitate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil in order to permit American producers to compete more fairly in international markets and to avoid the imposition of such subsidies by the United States.

(2) the President should use all of the authorities available, including the Commodity Credit Corporation, to move U.S. agricultural products in world trade at competitive prices.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro temproe. Is there objection to the request of the gentleman from Massachusetts [Mr. CONTE]?

There was no objection.

The SPEAKER pro temproe. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed,

with amendments in which the concurrence of the House is requested, bills of the House of the following titles.

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; and

H.R. 2175 An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 109. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

ADJOURNMENT OF THE HOUSE AND SENATE FROM FRIDAY, AUGUST 10, 1984, TO WEDNESDAY, SEPTEMBER 5, 1984

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 351) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 351

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, August 10, 1984, they stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1984, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, Shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 5, 1984

Mr. WRIGHT. Mr. Speaker; I ask unanimous consent that the business in order on calendar Wednesday, September 5, 1984, may be dispensed with.

The Speaker pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 5, 1984, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I seek this time simply in order that we may have some understanding generally as to what our purpose is for the remainder of the day.

During this period while we await Senate action on the supplemental appropriation which has just been passed in the House, we will take up the Superfund bill and we will try to conclude it tonight.

It is my understanding that there will be a unanimous-consent request asked by the gentleman from New Jersey [Mr. FLORIO] and agreed to by the gentleman from Michigan [Mr. DINGELL] and by Members on the minority side, which would limit debate to 2 hours on all, save the tax section of the bill, and limit debate on the tax section to an additional 1 hour.

In any event, when we adjourn tonight, we will adjourn until September 5.

When we return on September 5, that is assuming of course that the Senate agrees or action is completed this evening on the supplemental appropriation bill; in the event that a snag were to occur there, of course, we would have to be in session again tomorrow. I do not anticipate that. We expect to adjourn this evening.

But when we come back on September 5 there will be votes. I do not know what they will be. The program for the week of September 5 will be announced later.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, with respect to the possible motion that might be made for a limitation of debate, would that include a limitation with respect to the title V or that section of the bill pertaining to the Ways and Means jurisdiction?

Mr. WRIGHT. That is allowed a separate time.

The first unanimous-consent request will be exclusive of title V which is the tax title. Then a separate unanimous-consent request, if I understand it correctly, will be made concerning that.

Mr. PICKLE. By that does the gentleman mean the title V, the Ways and Means jurisdiction?

Mr. WRIGHT. As I understand it, that section is already limited under the rule to 30 minutes.

Mr. PICKLE. There is no intent to change that limitation?

Mr. WRIGHT. Mr. Speaker, no intent will lie in the unanimous-consent request, or any other motion, to change that.

Whatever motion or unanimous-consent request is made, if I understand correctly, will apply to all other titles of the bill exclusive of and up to that time.

Mr. PICKLE. I understand.

Mr. Speaker, I thank the gentleman.

□ 1650

FURTHER LEGISLATIVE PROGRAM

(Mr. LUJAN asked and was given permission to address the House for 1 minute.)

Mr. LUJAN. Mr. Speaker, I take this time to ask the majority leader, if I may, what will happen about the California Wilderness?

Could the majority leader advise us if he has any information as to whether there is going to be an attempt tonight to bring up the California Wilderness bill after we finish with Superfund?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

I think I am speaking of the agreement that has been reached by all parties to the effect that the California Wilderness bill will not be considered until we return in September.

Mr. LUJAN. I thank the gentleman.

FURTHER LEGISLATIVE PROGRAM

(Mr. FRENZEL asked and was given permission to address the house for 1 minute.)

Mr. FRENZEL. Mr. Speaker, will the distinguished majority leader tell us whether other bills may be considered this evening. The gentleman, as I understand it, has ruled out the California Wilderness bill.

There are a number of other bills pending. I think the Members would like to be able to adjust their schedules.

Is it just to be Superfund tonight?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

The leadership does not have any other plans. I would not want to foreclose absolutely everything. But the only other thing that would be brought up might be something brought up under unanimous consent.

Mr. FRENZEL. I thank the gentleman.

I was thinking specifically of the pharmaceutical bill for which a rule was passed this week. That will not be brought up.

Mr. WRIGHT. It is the intention of the leadership that that will not come up until September.

Mr. FRENZEL. I thank the distinguished majority leader.

A TRIBUTE TO ALBERT P. BARRY

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker most of us who serve in the House have had reason in the past 4 years to call on the Deputy Assistant Secretary of Defense for House Affairs, Albert P. Barry, for assistance. He has never failed to be prompt and as helpful as was humanly possible when I have turned to him for help or advice. Al is leaving the Pentagon today to return to the private sector and I know he will be missed up here.

Al has served on the Hill in a variety of roles—a Senate staffer, a liaison officer for his beloved Marine Corps, manager of congressional relations for a defense contractor and finally as an advisor to the Secretary of Defense on the legislative branch—all of this following a distinguished military career including two tours in the Republic of Vietman.

Those of us who have known Al Barry well during his service on the Hill, and there are many of us on both sides of the aisle, have learned to respect this energy and tenacity. In his work for this administration he has always worked hard to help us deliver the best for the Department of Defense and the taxpayer. I hope his efforts this year to assist us in authorizing and appropriating in a proper manner to serve the needs of national defense do not go unrewarded.

I wish him the very best as he embarks upon a new and challenging phase of his life.

SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 570 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, (H.R. 5640).

□ 1654

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5640) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, with Mr. MINISH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose early today, pending was an amendment offered by the gentleman from Connecticut [Mr. MORRISON]

The Chair recognizes the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, the amendment which I have offered is an attempt to solve a problem that very much needs to be solved, in my opinion, and in the opinion of many Members of this House. That is to give to those who have been injured by exposure to hazardous waste with an effective remedy to collect damages from those who were responsible for the depositing of those wastes.

Now, the House had before it in the bill itself title II, which attempted to solve that problem. Some of us, including myself, felt that as that was drafted it was too broad and had a number of problems which would not solve the problem without creating other unacceptable problems. That, I think, led to the close, but decisive vote, on the Sawyer amendment which caused that provision to be removed.

We have been attempting over the short period of time since that defeat of that portion of the bill to craft an amendment which would solve the problem.

I think that the amendment that I have offered is a good one and that would in large measure be an acceptable form of Federal cause of action.

However, because of the time pressures that we are under in the passage of this Superfund legislation and because of the fact that this portion of the legislation was hastily drawn and did not have the full consideration of the Judiciary Committee, as well as the Committee on Energy and Commerce, I believe that it is not appropriate to press for a vote on this amendment at this time.

In order to accommodate the passage of the Superfund legislation itself, which is the preminent and most important business before the House at this time, I will ask unanimous consent that my amendment be withdrawn, without prejudice.

Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

PARLIAMENTARY INQUIRY

Mr. BREAUX. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BREAUX. Mr. Chairman, I would just question from the timing standpoint. I have an amendment that is printed in the RECORD and I am wondering and want to make sure that the amendment of the gentleman from Georgia, being offered at this time, does not prevent mine from being offered following his.

The CHAIRMAN. The Chair will advise the gentleman from Louisiana [Mr. BREAUX] that he is unable to rule until he sees the two amendments.

Mr. BREAUX. Mr. Chairman, if an amendment is to be offered which would create a new title following completion of title IV, would it be in order to offer that amendment following the amendment of the gentleman from Georgia?

The CHAIRMAN. The Chair will advise the gentleman that that is correct.

Mr. BREAUX. I thank the Chair.

The CHAIRMAN. The clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: Immediately after Title IV of the bill add the following:

TITLE V—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

RECOVERY OF MEDICAL AND RELOCATION EXPENSES

SEC. 501. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new title:

"TITLE IV—MEDICAL AND RELOCATION EXPENSES

"DEFINITIONS

"SEC. 401. (a) For purposes of this title:

"(1) The term 'applicant' means any person who applies for compensation under this title.

"(2) The term 'medical costs' means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723);

"(3) The term 'physical injury or illness' includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

"(4) The term 'dependent' means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

"(5) The terms 'treatment', 'storage', and 'disposal' have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

"(b) For purposes of this title, the terms 'hazardous substance', 'pollutant or contaminant', 'transport', and 'transportation' shall have the meanings provided in title I of this Act.

"APPLICATION FOR RELIEF

"SEC. 402. Any individual who alleges that he has sustained injury for which relief is payable under this title may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule, provide. Such rule shall be issued within 180 days after the date of the enactment of this title.

"AWARD OF RELIEF

"SEC. 403. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

"(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

"(2) during transportation to such a facility or site,

the Administrator shall pay relief undr this title to such individual.

"(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this title to such dependent.

"AMOUNT OF RELIEF

"SEC. 404. (a)(1) Relief under this title to any individual who has suffered a physical injury or illness shall consist of—

"(A) a payment or reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;

"(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

"(C) reimbursement for—

"(i) expenses incurred by an individual in obtaining alternative water supplies, or

"(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $1,000 per month.

"(2) Relief under this title to the dependents of any individual shall be equal to the amount specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this title to dependents where there are two or more dependents.

"(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this title and determine the method, terms, and time of payment.

"(c)(1) Any payment made pursuant to this title shall, for purposes of section 111(a) of this Act, be considered a payment of governmental response costs incurred pursuant to section 104 of this Act and shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of this Act. Claims against such fund which are in excess of the total amount provided under paragraph (2) for purposes of this title shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of this Act.

"(2) Not more than 12 per centum of the amount appropriated or credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this title.

"(3) No payment shall be made pursuant to this title except to the extent and in such amounts as are provided in advance in appropriations Acts.

"PROCEDURE FOR DETERMINATION

"SEC. 405. (a) The Administrator shall, by regulation, prescribe procedures for determining claims under this title. The Administrator may consult with the Secretary of Health and Human Services in prescribing such procedures.

"(b)(1) In determining any claim under this title, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

"(A) the individuals suffered any physical injury, illness, or death;

"(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

"(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

"(ii) during transportation to such facility or site; and

"(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant.

such injury, illness, or death shall be presumed to have been caused by such exposure.

"(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

"(c) For purposes of making a determination respecting payment of any claim filed under this title, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

"(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

"(2) Epidemiological studies.

"(3) Animal studies.

"(4) Tissue culture studies.

"(5) Micro-organism culture studies.

"(6) Laboratory and toxicologic studies.

"(7) Immunological studies.

"(8) Toxicology profiles prepared under section 104(i)(2) of this Act.

"(9) Health effects studies prepared under section 104(l) of this Act.

"(d) In making a determination under this title, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

"(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

"(2) In any proceeding under this title, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this title is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

"(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

"SUBROGATION

"SEC. 406. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this title to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protetion Act of 1980) for thefull amout of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

"(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this title for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this title or if the defendant would not have been liable under applicable State law at the time of exposure.

"(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

"(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

"JUDICIAL REVIEW

"SEC. 407. (a) Any claimant adversely affected or aggrieved by any fianl determination of the Administrator under this title may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in

a district court of the United States for the district within which—

"(1) such person resides or conducts business; or

"(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

"(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall costitute a final administrative determination for the purpose of judicial review under this section.

"ADDITIONAL RECOVERY

"SEC. 408. (a) No individual who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this title at a subsequent time if such individual establishes (in accordance with the procedures under this title) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this title.

"(b) Nothing in this title shall preclude an individual or dependent who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this title for a physical injury, illness, or death or for any damage not compensable under this title.

"COLLATERAL RECOVERY

"SEC. 409. The amount payable under this title to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 404(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including compensation (as described is section 404) paid—

"(1) pursuant to any administrative or judicial proceeding under State law,

"(2) pursuant to any consent decree under State law or any other binding settlement,

"(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

"(4) pursuant to any other insurance policy or program.

"LIMITATIONS

"SEC. 410. No application may be filed by an individual under this title after the end of the six-year period beginning on the later of (1) the date the claimant knew of the injury's cause association with the hazardous substance for which relief is payable under this title or (2) the date of enactment of this title. No application may be filed under this title by a dependent of a deceased individual if such deceased individual would have been barred by the preceding sentence."

"WORKER'S COMPENSATION

"SEC. 411. No employee, or employee's spouse, dependent, relative, or legal representative, who may assert a claim against the employee's employer under a State or Federal workers' compensation law based on the employee's workplace exposure to a hazardous substance, pollutant, or contaminant shall be entitiled to recover any amount under this title based on that exposure.".

Renumber the remaining titles accordingly.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(Mr. LEVITAS asked and was given permission to revise and extend his remarks.)

(By unanimous consent Mr. LEVITAS was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman from Georgia [Mr. LEVITAS] is recognized for 10 minutes in support of his amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would ask unanimous consent that all and any amendments thereto debate on the gentleman's amendment be limited to 45 minutes, to be divided equally between the proponents and opponents.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. CHENEY. Mr. Chairman, reserving the right to object, the minority may well be able to reach a consensus in terms of the agreement that has been suggested by the majority leader and the gentleman of the majority, but we are not there yet.

I would be constrained to object unless the gentleman perhaps would withdraw his request at this time and we will try to work out an arrangement on this side.

Mr. FLORIO. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. LEVITAS. Mr. Chairman, the amendment I am proposing would amend the bill to create a new title V in the Superfund.

The purpose of the new title is to provide an administrative mechanism for compensating those individuals who are harmed in various ways because of exposure to hazardous waste at abandoned dumpsites and other similar situations.

When the original Superfund bill was passed the question of victims' compensation was turned over to a task force created by section 301(e) of the Superfund law. That task force, composed of 12 members, has now submitted their findings to Congress. They concluded that while there currently exists personal injury compensation mechanisms for toxic exposure under State causes of action, there are serious barriers that will likely permit compensation for only a few highly selected cases.

This Commission, which this Congress created also recommended that there be established an administrative remedy. They concluded that this remedy is necessary in order to provide for small claims involving a multiplicity of torts, exposures, victims, and damage problems.

□ 1700

In their report they recommended a 2-tiered system of compensation for victims. One tier relying on the State tort law and the other tier relying on the administrative type system for victims whose injuries or losses were too small to make it worthwhile for a lawyer to take it into court, given the expensive and complex type of litigation involved. These people need to have redress because they have real losses and they are basically low and middle income individuals.

My amendment carries out the purpose of 301(e) task force.

The present system of tort laws, and other types of compensation frequently fail to provide relief to many individuals for a variety of reasons. This new title V, the "Administrative Recovery of Medical and Relocation Expenses," would respond to this shortfall or deficiency.

Mr. Chairman, for several years now the Committee on Public Works and Transportation's Subcommittee on Investigations and Oversight, which I chair, has been examining the problems associated with the improper and often illegal disposal of hazardous wastes. One of the problems that our oversight has highlighted is the problem faced by people who live near these waste sites. In some instances these people are not even aware that they live near these waste sites until something happens—there is a fire or an explosion, or drums corrode and the chemicals leach out emitting fumes that are caustic in nature and create general nuisance conditions, and often even more.

During our review, we have had numerous days of hearings during which we have heard testimony from some of the people who live near some of these sites. We have heard about the problems they face, the onset of the various types of illnesses, neurological disorders, genetic deformities, disfunctions, difficulty in breathing, to name just a few.

It was highlighted time and time again that there was a problem for people who suffered real injury but who had no practical recourse to the courts because their claims were too small or they could not find the people who created the problem because the responsible parties had either absconded or were bankrupt. These individuals were suffering real loss but had no means of redress.

In short Mr. Chairman, we have heard testimony from victims—victims of exposure to hazardous waste sites.

These people have illnesses. These people have medical bills. And these people have fear.

They fear for their well-being, and they fear for their future. They fear for their children's well-being and their children's future. Frequently we have found that they are faced with losses—both material losses and emotional losses. For some, the situation is so acute that their lives have been shattered in terms of any dreams or hopes they had for the future.

Now as you know, this victim's compensation issue is a controversial one. Our hearings, and those held by other committees and subcommittees of the House, have heard similar stories. And the story is that for the sizable situation, wherein there are numerous parties claiming substantial injury, and there is so much evidence that one can trip over it, for these situations, the existing tort law situation is usually effective. Law suits for damages are filed, and awards are made.

But this is not always the case. And most of the testimony we received indicated that many cases, where the potential claims are small, never go forward, for the costs of litigating them far exceed the expected award.

They are not substantial enough, nor the type of cases, that attract legal counsel, since attorneys who handle the cases do so on a contingent fee basis. Consequently, the one person cases, or the small group, or the handful of people who live in the wrong place by no choice of their own and have only "mild" problems, can obtain no help or remedy.

We heard testimony from citizens in New Jersey, who had to mobilize in a protest group in order to get anyone to pay attention to their plight.

We heard about the sick children and from their parents, some of whom testified, of their illnesses due to their living in the area where dioxin was found in Missouri. We heard testimony from individuals who had the misfortune to live downwind of a lead smelter so that their children, who go to a nearby playground have been exposed to high concentrations of lead. Some have learning disabilities, a common problem when young children are exposed to lead. And others had excessive levels of toxic lead in their blood, a very dangerous and health threatening situation.

We heard testimony from people who live at Times Beach and people who lived at other localities near hazardous waste sites. They told us of their problems and their fears and the problem that they had no recourse to the court and no recourse in any other forum.

Now, I acknowledge the fact, Mr. Chairman, that this is a highly controversial matter. But the fact of the matter is that it is one which deserves our attention. If you do not deal with this matter now, you will simply be acknowledging that there are people who are being harmed and then wash your hands of the blood. The administrative remedy in my amendment can easily deal with the problems that have been identified by Congress in its hearings and that were addressed by the 301(e) task force. This amendment is in response to that.

Let me make one other vital point, Mr. Chairman. The Superfund law itself permits compensation for property damage. Property damage can be compensated. Individuals who suffer harm from the same poisons cannot. And that seems to be a rather ironic situation. Think about it. Think about it. Here you have this house, this home, and that has been the subject of leaching from the hazardous waste site nearby, and the lawn on that house has withered, the trees have shriveled up, the people may even have to move because of the smell, and they can get compensated for their house, for their lawn, and for their tree. But that little blue-eyed, curly haired girl in the house, the 5-year-old who is sick, cannot receive compensation for her medical expenses even though she has been injured by the poisons from the same hazardous waste site. If you do not adopt my amendment tonight, you will say that is the way we want it—we want to compensate for the trees on their lawn but not for the injuries to the people in the house. It is this that we are trying to address.

Mr. Chairman, what I am proposing today is to amend the Superfund law to establish an administrative remedy within the Environmental Protection Agency, for making payments from the Superfund law's trust fund to those who meet the criteria and qualifications of this amendment. It would provide relief and assistance to those who have suffered tangible harm, that is measurable.

This amendment provides an administrative remedy to compensate individuals for medical costs, and certain other limited, related tangible costs resulting from exposure to hazardous wastes, including death. This amendment provides that if an individual can establish by a preponderance of evidence that he has suffered physical injury or illness which was caused by exposure to a hazardous substance from a waste site or facility then that individual shall obtain financial relief.

If an individual can show that he has had his livelihood curtailed, that is income has been curtailed, that he has suffered sensory or mental impairment or limitations due to neurological damages that can stem from exposure to hazardous chemicals, then that individual shall receive relief, and shall be paid from the fund.

However, in order to prevent this program from becoming a new retirement program, and to protect it from abuses, compensation for lost income is to be paid for no more than 1 year, and it cannot be for more than $12,000 to any applicant.

I think it is also important to note that this amendment, will not pay funds to individuals who have intangible damages—that is, people who have illnesses stemming from fear or anxiety, and who want to claim damages to to "pain and suffering." These people have to continue to seek their compensation for these types of damages or harm through the courts, under traditional tort law.

But for those who can meet the certain tests of this section, relief for tangible harm shall be granted. Among and included in the relief payable under this amendment are:

Payment or reimbursement for all medical costs that an individual incurs in this instance;

A monthly payment of up to a maximum of $1,000 per month, for up to 12 months;

Reimbursement for the cost of obtaining alternative water supplies and for having to relocate an individual's home, if that became necessary. The latter, however, is limited to moving costs, and the travel costs with locating a new residence.

Also, there is a provision which would bar employees of the owners of the hazardous waste site and employees of the transportation company transporting the hazardous waste—who are otherwise covered through their employer by worker's compensation—from filing under this program.

This title has several criteria for ensuring that this is not simply an open door for relief to anyone for any reason. The presumption that does exist in this amendment is narrow. In fact, in order for a person to be able to receive an award of compensation under this provision, that individual or applicant must show several things.

First, that individual must show that they have suffered a physical injury or personal injury—that there is some sort of illness.

The claimant must show that they were exposed to hazardous wastes from a waste site. That is, if they don't live near a waste site, or they were never near one, and they were not there for any reasonable period of time, then they would not qualify.

There must also be enough evidence available to establish "a reasonable likelihood" that exposure to the types of wastes that are present at the site in question can cause or at least "significantly contribute" to the type of harm suffered by the victim.

In other words, you have to have an illness or injury, you have to have lived near or adjacent to the waste site involved, you have to have hazardous chemicals present, and these hazard-

ous chemicals have to be of a nature that can cause the type injury or harm that the claimant is asserting. The only presumption under this system is, that if all of these criteria are met, then the individual is eligible for an award—but even here, that award can be precluded if there is evidence of some strength to the contrary.

Further, as I noted previously, the presumption of causation, even if all the several criteria are met, can be overcome if the Administrator determines on the basis of available information, that the exposure did not cause the harm.

This amendment also provides some guidance to the Administrator on the type of information that can be considered relevant for the purposes of determining causation. The information would include such things as increases in the incidence of illness, injury or death around the waste site; epidemiological studies; animal studies; and other technical and medical studies. It would also include the toxicology profiles that are to be prepared under another provision of this bill, and it would include the health effect studies that can be petitioned by citizens under yet another section of the bill.

The amendment would also provide the authority to the Administrator to conduct any other tests and investigations he feels may be necessary in order to have enough information for making an award or determination on an award, with respect to the amount, or the possible denial.

If someone is denied an award, they can request a hearing on the matter, and if they prevail on such a hearing they can also be compensated for their legal and related costs in pursuing the hearing.

In order to ensure that there may be an opportunity to recover some of these costs, the United States is subrogated to the rights of any claimant that receives a payment and can recover all costs from the responsible parties.

Further, any individual who suffers any additional injury or illness may seek additional compensation under this provision and they're going to be free to bring suit against any liable party for any additional unreimburse or unpaid claims.

This amendment also places a statute of limitation on the time an individual has to file a claim under this title. This time is limited to the later of one, the date when the claimant first became aware that his or her injury stemmed from contact with the hazardous substance or two the date of enactment of this subtitle. This second date will assure that those persons who became aware of this association more than 6 years before enactment will still have time to file.

There have been many points that have circulated around the floor of this House today as a basis for opposing this amendment. Some said it creates a new Black Lung Program. Well, I assure you it does not. The Black Lung Program is a program that is an entitlement program. This is not an entitlement program. We are talking about a modest amount of redress which is capped—loss of earnings cannot exceed $12,000. Everything that is recovered by a claimant from any other public or private source must be offset against it. It does not inure to the benefit of survivors beyond what is in the original award. It does not, as some people have said, create irrebutable presumptions. There are rebuttable presumptions. It does not establish a fault system so the companies that may have contributed to the hazardous waste site will not have a finding of fault made against them.

It was originally structured to utilize the services of the Social Security Disability Program. That has been taken out, and the administrative recovery will be handled exclusively within the Environmental Protection Agency. It does not compensate for intangible harm or mental suffering. It is only actual and real losses and medical expenses that will be dealt with. And, again, these will be off-set by any other reimbursement the claimant has received.

The individual who has suffered would have to come in and make a showing that they lived near or in proximity to a hazardous waste site and that they are suffering from a particular type of illness associated with the types of chemicals in that hazardous waste site. At that point, a rebuttable presumption would be created that there was a causal link between their illness and the particular site, and they would qualify for this limited and modest but very vital, recovery. The persons involved could recover their medical expenses, a minimal amount of loss of earnings that they actually incurred, and the recovery of relocation expenses if they were forced to move from their home.

This modest recovery could still be denied if the Administrator upon receiving information from any source felt that a case that there was a linkage between the illness and between the hazardous waste site was not established.

Now, it seems to me that the argument that there is no 100-percent certainty of causation is a specious argument. There is not a 100-percent certainty of most of these things we do in this world. But when it comes to making decisions, we have to make them based upon the best evidence available. And, where there is a substantial likelihood of some connection, we must take action. That is particularly true in the case of individuals who have suffered harm and individuals who have suffered medical expenses from these poisonous sites that have been abandoned around our country.

If we do nothing here, we are saying to the American people we do not care. We will spend the money from the trust fund to compensate for dead trees but we will not spend money from the trust fund to help make whole, in a small way, these poor or low-income or middle-income blue-collar people who live around these sites and have been victimized as innocent victims of the presence of these hazardous waste sites.

Now, I suggest to you, my friends, that this system, this particular system, is one which is modest in nature.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LEVITAS] has expired.

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 1 additional minute.)

Mr. LEVITAS. Mr. Chairman, let me conclude by saying that we have tried to get the best evidence that we could in order to support the approximate anticipated cost, and that evidence, which I will put into the RECORD, compiled from statistics supplied by the Mitre Agency for the Environmental Protection Agency, American Cancer Society, the National Center for Health Statistics, the Health Care Financing Administration and the Bureau of the Census. These figures indicate a cost of approximately $740 million. This amendment is supported by the coalition of all environmental groups, the National Audubon Society, the Sierra Club Citizens Action, Clean Water Action Project, Environmental Defense Fund, Environmental Policy Institute, and others, which I will include as part of the RECORD. It is an important matter. It is important for the environment. It is important for the people of America. I urge my colleagues to support this amendment.

ESTIMATED MEDICAL COSTS AND LOSS-OF-EARNINGS FOR VICTIMS OF HAZARDOUS WASTE SITES

ESTIMATED MEDICAL COSTS

EPA estimates that approximately 10 million people [1] live around current National Priority List (NPL) sites where there have been known releases to drinking water supplies. There are presently over 500 NPL sites; a reasonable estimate is that this number will double over the next five years of the Superfund authorization. This means that in five years 20 million people will be potentially exposed to hazardous waste pollution. For the purposes of computation we assume that an average of 15 million people will be potentially exposed over the next 5 years.

[1] Footnotes at end of article.

The rate of new cancer cases of all types in 1983 was .00325.[2]

(15 million)×(.00325)=48,750 is the potential number of cancer victims in the five-year life of Superfund. Average annual medical costs per cancer case vary from $250-$15,000[3] depending on type of cancer. If we take $5,000 as an average medical bill and assume that 30%[4] of all health care expenses are out-of-pocket and uninsured, then $1,500 is an average annual cancer medical bill uncompensated by any other program. Over 5 years, estimated medical costs are: (48,750×($1500)×(5)=$366 million.

ESTIMATED LOSS OF EARNINGS PAYMENTS

Of the average number of potential victims in the next 5 years, 64%[5] of the population is employable. (48,750)×(.64)=31,200.

If we assume that all of these employable victims receive the maximum $12,000 for loss of earnings, then total loss of earnings equals: (31,200)×(12,000)=$374 million.

Total medical costs (assuming severe and expensive cases) and monthly payments are estimated to be: $366 million+$374 million=$740 million.

SOURCES

[1] Data developed by Mitre, Hazard Ranking Scores for the Environmental Protection Agency.
[2] American Cancer Society.
[3] National Center for Health Statistics.
[4] National Health Accounts, Health Care Financing Administration.
[5] Statistical Abstract, Bureau of the Census.

GROUPS SUPPORTING LEVITAS VICTIMS' COMP AMENDMENT

Citizens Action.
Clean Water Action Project.
Environmental Defense Fund.
Environmental Policy Institute.
Environmental Safety.
Isaac Walton League of America.
National Audubon Society.
National Resources Defense Council.
National Wildlife Federation.
Sierra.
American Public Health Association.
International Association of Machinists & Aerospace Workers.
International Ladies Garment Workers Union.
Industrial Union Department—AFL-CIO.
National Council of Senior Citizens.
UAW.
Union of American Hebrew Congregations.
United States Public Interest Research Group.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, August 9, 1984.

Hon. ELLIOTT H. LEVITAS,
House of Representatives,
Washington, DC.

DEAR ELLIOTT: Based on our conversation last night, I am writing to express support for the two amendments that you will be offering to H.R. 5640, the Superfund Expansion and Protection Act of 1984.

I definitely support your initiative in providing for administrative recovery of medical and relocation costs through creation of Subtitle C of Title II. This approach will provide a more convenient solution for claims filed by injured parties while easing the burden on the court system.

The second amendment, which amends Section 104, provides the dual benefits of accelerated cleanups with added resources. It would also give private industry the opportunity to demonstrate its commitment to the cleanup of hazardous waste sites.

I believe the two amendments that you are proposing substantially strengthen H.R. 5640. I will be pleased to support them on the Floor.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LEVITAS] has expired.

(On request of Mr. KINDNESS and by unanimous consent, Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. I thank the gentleman for yielding. I will admit to not having had much time to read the content of the gentleman's amendment, and I am wondering—I have noticed that the bill would provide an administrative remedy for certain loss of earnings up to 12 months following the incident. What happens after that point in time? Is the amount that is awarded here administratively offset against any future lawsuit against other parties?

Mr. LEVITAS. Any amount that would be recovered from other sources, such as insurance, workman's compensation program, or any other source would be offset against the amounts recoverable under my amendment.

Mr. KINDNESS. In the other words, the Government would be able to recover insurance payments that had been made, for example, to the individual?

Mr. LEVITAS. Yes. This is not intended to be cumulative. It is intended to be a basic net.

I might add, this provision of my amendment also protects the fund itself by giving the United States the right of subrogation where that might be feasible. But in many instances, of course, as the gentleman knows, you cannot find the people. And also I would point out—and this is an important point—that any person who would be qualified to receiving workmen's compensation, for example, an employee of a recycling plant or an operator of a hazardous waste site or an employee of a transportation company hazardous material, would not qualify to be an applicant under this legislation. It is only the innocent bystanders who are not covered by workmen's compensation or other programs who are qualified.

□ 1710

Mr. KINDNESS. Now, if the individual was such an innocent bystander, and there is the question of the loss of life, as I understand the gentleman's amendment, the earnings loss to survivors that could be administratively provided, would be limited to 12 months, and that would be limited to no more than $1,000 per month.

Mr. LEVITAS. The reason for that, if I might say to my good friend from Ohio, that we are not trying to set up a mechanism to make a person whole as a result of this situation. The tort system will have to provide for that.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LEVITAS] has expired.

(On request of Mr. DAUB and by unanimous consent, Mr. LEVITAS was allowed to proceed for 3 additional minutes.)

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman.

Mr. DAUB. As I understand the gentleman's amendment, and please correct me, a little bit better than a billion dollars of the sum that will hopefully be in the trust fund will be devoted to victims compensation, as your amendment would have it?

Mr. LEVITAS. Not more than 12 percent of the Superfund can be used for this purpose, and I will tell you how I got the figure, if you are interested.

Six percent of the Superfund can be used to compensate people for property losses such as their homes or their trees or their lawn, and I just figure human beings were maybe worth twice as much as a tree.

I yield to the gentleman.

Mr. DAUB. Well, I could not agree with the gentleman more.

So then if it is 12 percent, the function would be that we would be setting aside for victims compensation better than $1 billion of the $10 billion that we hope to have in the bill as we are currently debating it, is that correct?

Mr. LEVITAS. Up to approximately $1 billion.

Mr. DAUB. I think it would be about $1,224,000,000. Now, if the gentleman would answer the next question, would an injury from creosote by a transporter of it on an old railroad tie on the way to a fireplace or a backyard, since creosote is defined as a hazardous substance, also entitle the victim to injury the same as it would someone who was taking that creosote to a dump site?

Mr. LEVITAS. If the individual, if an individual, was injured as a result of the release of the hazardous chemical, and was exposed to that and was not an employee of the company that made the release, then that individual would have recourse under this as an applicant for recovery of the minimum benefits. But I would suggest that that individual the gentleman just described—more likely than not—would be suing the company that made the

release, and therefore, would not come under the provision.

I yield further to the gentleman.

Mr. DAUB. To add a lighter vein, I noticed the gentleman said hazardous chemical. I was in the industry; I would like to refer to it, at least from my point of view, as a hazardous substance. When I was a boy back in Nebraska, a pot was a place I sat and grass was something I cut. Of course, those words when we are using them, mean something different today, and I would like to indicate that some things, when we use the word "chemical," they may be a hazardous substance, but they in fact may not fall in that category.

I thank the gentleman for clarifying his amendment for the record.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman.

Mr. LENT. I would just like to ask the gentleman about this entire question of what the cost of this fund might be or the cost of this provision.

My understanding is that there is some 22,000 hazardous waste sites in the United States. If we were to assume that there are just three claimants per site, which is a very conservative estimate, given the ease with which claims can be advanced and proved under this bill.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LEVITAS] has again expired.

(On request of Mr. LENT and by unanimous consent, Mr. LEVITAS was allowed to proceed for 3 additional minutes.)

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I continue to yield to the gentleman.

Mr. LENT. That could be some 66,000 claims. Now, taking a conservative estimate, if the lifetime medical expenses relating to an uninsured victim's disease were $100,000, and the cost of providing an alternate water supply under this bill could be $80,000, the lost income for 1 year were to be $12,000 attorney's fees and expert witnesses fees approximately $80,000, that comes to $272,000 per claimant, times 66,000 claimants. I just wonder, the so-called limit for awards under this program is 12 percent of the fund, as the gentleman has indicated.

But, let us not kid ourselves, if there are additional "victims" who have not received compensation, we reach this 12-percent limit, does the gentleman for 1 minute think that this Congress would not vote additional dipping into this fund, which is ostensibly there to clean up the hazardous waste in this country?

Mr. LEVITAS. Let me, first of all, respond to the gentleman that his calculations and the information I have received based on figures from the Mitre Corp., Environmental Protection Agency, National Center for Health Statistics, and others do not coincide. This estimate is a cost of approximately $1 billion; a little less than $1 billion.

Let me say to the gentleman that the logic of this position is that if we place a cap, as I do, at 12 percent on the fund, and the gentleman says, "But suppose there are victims out there who would exceed that?", the way this legislation is written, is that they would not be covered, and they would have to wait until the next cycle of appropriation.

The gentleman argues to me and says, "But this Congress is compassionate."

The CHAIRMAN. The time of the gentleman form Georgia [Mr. LEVITAS] has again expired.

(On request of Mr. LENT and by unanimous consent, Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. "The Congress is compassionate; it would not stand by and see these people go by and be uncompensated."

I would say to the gentleman if that is true, then I find it difficult to believe that this Congress would stand by silently and not compensate the victims up to the 12-percent figure.

What the gentleman is implying is that we would do nothing. I just cannot imagine that we will provide for property damage from the trust fund and not for real human physical losses.

I yield to the gentleman.

Mr. LENT. I am not implying to the contrary that the Congress would do nothing. I think that once the 12-percent cap were reached, it would be the inclination of the Congress to dip further into this fund which we are setting up for the purpose of cleaning up hazardous waste and instead a more substantial share of that fund would be utilized for compensating so-called victims.

Mr. LEVITAS. Let me say this to the gentleman: The gentleman from Michigan, Mr. SAWYER, in his arguments yesterday, made the point that the tort system, the State tort system is adequate for many cases. The 301(e) task force concluded the same thing and agreed with him. But they also concluded that there are people who fall through the cracks of the system; the people who do not have big enough claims to warrant the expert witnesses and the cost in court. It is those people that this modest, limited, narrowly drawn provision will address and will not just simply write off all together. It is they—not the vast number of large claims that the gentleman is suggesting. The large claims will be handled by the tort system. It is those who cannot find their way into court, who are abandoned, in effect, that we are trying to address with this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PICKLE. Mr Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to comment briefly on the amendment of the gentleman from Georgia. Earlier his amendment would have required reference of many of these cases to the offices of Social Security. As I understood it, the gentleman has removed all aspects from the measure and this would apply separate and apart to damages an individual might have, and would not be routed through the Social Security offices. We have a chaotic condition in Social Security now.

The gentleman has removed that, as I understand it, from his amendment.

□ 1720

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

That has been removed. The matter that the gentleman brought to my attention was addressed. I discussed it with our staff, and our staff took the matter up with the staff of the Subcommittee on Social Security.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for removing the Social Security.

Mr. RITTER. Mr. Chairman, will the gentleman in the well yield on that very point of the Social Security Administration?

Mr. PICKLE. I will yield when I get to the end of my time. At the end of my presentation, I will be happy to yield to the gentleman, but I want to make a statement about the status of the Social Security Program. I will yield to the gentleman, if I get additional time, when I have concluded.

Mr. Chairman, I would have risen in strong opposition to the original amendment by the gentleman from Georgia, which would have put a crushing burden on the Social Security Administration and on disability State agencies, by allowing claims under this act to be processed through those offices. As chairman of the Subcommittee on Social Security, I can assure you that this is not a task they are prepared to take on. Far from it. In fact, right now, we have 29 out of 50 State agencies refusing to administer the Social Security Disability Program until we get our disability legislation through. Until H.R. 3755 is agreed to in conference—and I regret to say we are still stalled in conference—the disability program will be in chaos. There is just no way the Social Security Administration can handle

any new responsibility in this area right now, or in the foreseeable future.

We have all had complaints from our constituents about the problems they've had dealing with Social Security offices or the disability program. This amendment would have required SSA to divert valuable time and resources to this new task of determining claims under Superfund, and would make the existing problems 10 times worse. This amendment would have performed a great disservice to the elderly and disabled of this Nation who depend on Social Security to determine their claims and pay their benefits promptly. I must say I still have reservations about the gentleman's amendment even in its present form. And I am glad he has removed all references about the Social Security agency.

However, we cannot take any pride in the tragic condition of our Social Security Disability Insurance Program.

This administration has steadfastly refused to manage this program in accordance with the law as set forth by our Federal circuit courts. As a direct result of this refusal to broadly apply the law, we do not have a uniform, National Disability Insurance Program. Some 29 States are no longer administering this program in compliance with the guidelines of the Department of Health and Human Services.

In addition over 175,000 former beneficiaries have been forced to appeal to the Federal courts to reverse this administration's decision to drop them from the disability rolls. They represent the largest class of cases on the already overcrowded Federal court dockets. In court after court, Federal judges have condemned this policy. In short the administration's refusal to acknowledge the authority of our courts of law has resulted in administrative chaos, abuse of the judicial process, and human misery without end.

In addition to rejecting the medical improvement standard required by the the courts, the administration has refused to support our legislation which spells out the appropriate medical improvement standard. Instead they have sought legislation to shut off appeals and to remove cases already pending in Federal court. They seek to treat only symptoms, leaving the underlying problem to fester and rot. This is a course of action which can only result in greater tragedy.

These are several major areas of fundamental disagreement between our House bill and the Senate proposal supported by the administration. First, the administration would place a burden of proof entirely on the disabled beneficiary to establish that there has been no improvement in his/her medical condition. This is an inappropriate and unreasonable burden and it would force the whole disability evaluation process to become adversarial. Every person called in for a review would be forced to hire an attorney right away. This would wreck the entire administrative process.

Second, the administration would have us include in the bill's effective date a provision to prohibit cases from being heard by the Federal courts, even where the case was currently being heard by the judge. Such an attempt to remove from Federal courts cases which are already pending, seriously interferes with matters properly in the domain of the judiciary. We cannot accept such an interference.

Third, the administration seeks congressional approval for its current policy of "nonacquiescing". The administration refuses to broadly apply to all Americans the protection of the law which our Federal courts are providing to litigants who have the resources to seek appellate relief. I say to you, Congress cannot accept the proposition that the executive branch can pick and choose the laws it will follow.

Recognizing the magnitude of the tragedy before us, the House conferees have pushed vigorously for action. At our insistance we have met with the Senate. We have continually suggested avenues of compromise and have made offers to bring this conference to a successful close. The administration has spurned all attempts to resolve this impasse, and so the Senate conferees are as yet unyielding on the key points concerning a medical improvement standard and administrative acquiescence to Federal court decisions.

To fail to address these issues would amount to a ratification of the injustice which has plagued the disability program for the past 3 years.

And so, I remind the Members that while we can and should rejoice in the growing financial health of our Social Security system, and as we try to respond to a renewed call for ever higher benefits for the elderly, we first have a duty to provide equity and the protection of the law to those among us who are totally disabled. With the continued strong support of my colleagues I believe we can prevail upon the administration and the Senate conferees to join us in enacting the legislation we passed 410 to 1. To do less would be a tragedy, I urge your redoubled efforts in this regard.

Mr. Chairman, does the gentleman from Pennsylvania wish to ask me questions now?

Mr. RITTER. Mr. Chairman, I think I will take my own time to make my comments because they would be somewhat out of context at this time. But I appreciate the gentleman from Texas getting back to me.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PICKLE] has expired.

(On request of Mr. CONABLE, and by unanimous consent, Mr. PICKLE was allowed to proceed for 1 additional minute.)

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I understand the gentleman has been making a point on disability. I hope we can resolve that, too. I think it should be resolved. I know the gentleman has been very earnest in his desire to get a resolution of the issue, and I would like to thank him for his patience on it. I hope his efforts will be treated with success soon.

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman's attitude. We have given to the other body what we think is a very reasonable and fair compromise. Now, of course, the other body thinks it has done that, too.

But I say to the gentleman that what we have offered is the bottom line. It can be resolved on the basis of our last offer. They ought to do this so we can get this very inhumane problem behind us. I hope we can do it within the next few days, even tonight, if possible.

Mr. CONABLE. Mr. Chairman, I understand what the gentleman is saying, and I agree with the thrust of his remarks.

Mr. RITTER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia [Mr. LEVITAS].

Mr. Chairman, I would like to just point out a few details about this victims' compensation amendment that Members may not be familiar with.

First of all, it is a 13-page document that is chock full of a variety of very interesting features. For one, up until this morning the organization which was to have processed the victims' compensation claims was the Social Security Administration. Indeed it was the Social Security disability group within SSA, a group which we know to be, as the gentleman from Texas has eloquently stated, deluged with continuing disability reviews.

As of this time, now that the disability group within the Social Security Administration has been deleted from the 13-page document, there is no administrative organization to carry out the extraordinarily ambitious goals of this victims' compensation amendment.

We are all interested in satisfying the legitimate claims of injured parties, and I do not think that is a question here, nor is the argument about reimbursing a person's loss or the loss of a tree relevant. What the real problem is and what goes to the root problem of this amendment is that it speaks to injury caused by exposure to a hazardous substance, pollutant, or

contaminant. It speaks to the paying of damages for these injuries.

The problem—and this is the problem we have faced from the beginning in dealing with victims' compensation—is that these causal relationships are extremely weak. We cannot and we have not been able to do the job in a rational, scientific way in linking claimed injuries to the hazardous waste sites.

Let me just quote from this amendment for a moment. An individual has to establish by a preponderance of evidence that he has suffered physical injury or illness, and one of the claims made by this amendment is that it establishes an administrative procedure which avoids complex litigation. Well, I can tell the Members that the "establishing by a preponderance of evidence that physical injury or illness was caused by exposure to a hazardous substance, pollutant, or contaminant" is going to need some very extensive legal work.

□ 1730

It is not a straightforward matter, given the history in these cases, so this amendment is not really a victim's victim's compensation amendment, but perhaps a lawyer's or a litigant's compensation amendment.

There is language here that says, "if an individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a) * * *." This is not an easy task for the Administrator. To this day we do not have procedures that are sufficient to establish these causes. How in the world is the Administrator, simply because he is told to do so, about to establish these kinds of causes?

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I will in just a moment.

Here is a portion of the bill which says, "if an applicant provides information sufficient to enable the Administrator to find that harm has occurred," he will be able to establish a claim.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. RITTER. This problem is, what is sufficient information? We do not know what "sufficient" information is.

Then there is a "presumption" in this amendment which is extremely powerful. This amendment presumes that the injury, illness, or death, is caused by exposure, if the applicant provides information sufficient to enable the EPA to make such a determination.

First of all, the EPA is not a collection of doctors and health scientists and epidemiologists. They are mostly environmental scientists, environmental engineers and lawyers whose skills are geared to cleaning up the environment, as opposed to establishing difficult health and human damage links. They simply do not have this kind of expertise.

Then what this bill says—this is really a critical point—the bill says, well, let HHS do it. Let the Social Security Administration do it. Let them do it under the procedures that are relegated to the disability program, and then this morning this procedural heart is pulled out from the amendment the monumental task of establishing who has got a good case and who does not is left up in the air. This amendment does not in any way speak to how the program will be carried out.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 1 additional minute.)

Mr. RITTER. This amendment is flawed. There is such a preponderance of tasks that are just not doable given the current state of the art. For me, the problem is not really a function of cost. If we could provide a system which would actually help the people I would be for it, but the amendment is not doable. It talks about compensating those "reasonably likely" to have been injured by an exposure from a facility or site where a hazardous substance was.

"Reasonable likelihood" is not anything that we are familiar with in the law. The definition of a "facility" is extraordinarily broad. Let me just tell you what a facility is—a facility is defined to mean any building, structure, installation, equipment, pipe, pipeline, well, pit, pond, lagoon.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Mr. Chairman, I have asked for 2 additional minutes, because I do want to yield to my colleague, the gentleman from Georgia.

You can be living next to a drug store that has hazardous substances. You can be living next to a supplier of chemicals that has hazardous substances. If you get sick, you can claim that the drug store owner was responsible for your illness. The way the bill is drafted a case could be made!

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

I just want to point out that as a result of the adoption of the Sawyer amendment yesterday, there is no system in this bill to compensate victims who have been injured by association with hazardous waste substances.

Mr. RITTER. If I can reclaim my time——

Mr. LEVITAS. Let me just finish this point.

Yesterday, Members supported the Sawyer amendment on the theory that there were adequate remedies in the State courts without the presumptions in the Federal cause of action. Those Members cannot take an inconsistent position today.

Mr. RITTER. Mr. Chairman, my position is consistent. I did not support the Sawyer amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I would like to begin by expressing great affection and respect to the author of the amendment. He is a dear friend of mine. He is a valuable Member of the body. I hope that my denunciation of the amendment will not indicate any lack of affection or respect for the gentleman from Georgia, for whom I have the highest regard.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

I am very sympathetic to the situation the gentleman is trying to address. Individuals suffering from toxic chemicals released from Superfund sites potentially represent a significant public health problem. I want to remind my colleagues, however, that there are different types of programs which protect and promote public health. There are preventative public health programs, like the Safe Drinking Water Act and Superfund. And there are public health care programs like Medicare, Medicaid, and the gentleman's amendment.

The preventative programs are intended to keep hundreds of millions of Americans from developing medical problems. The health care programs are intended to take care of those relative few who have, unfortunately, become ill.

The Superfund Program is intended to prevent millions of Americans from becoming ill due to exposure to hazardous substances. As has been well documented, the cost will come to much more than the $10.2 billion that are raised in H.R. 5640. In fact, as Chairman ROSTENKOWSKI stated before the Rules Committee, H.R. 5640 is merely a downpayment to address the abandoned waste problem this Nation faces.

Now the gentleman comes along with an amendment which, initially, will consume 12 percent of the fund. It

will eventually consume much more. And if my colleagues have any question about this, let me remind them that the only way we know that a Superfund site has affected the health of a community is that medical experts find an increase in illness in the community. That means that instead of finding three illnesses in an area, as expected as the result of smoking or drinking or other lifestyle factors, there are five illnesses in the area. The problem is we have no way to identify which of the illnesses are due to lifestyle and which are due to the hazardous wastes. So in fairness, we will compensate all five illnesses.

My friends, we are all exposed to hazardous substances regularly. What we have here, then, is a prescription for a national health insurance program to cover all the major illnesses in this Nation.

I think my colleagues are all clear that I am a staunch supporter of national health insurance. But this type of health care program does not belong on the most important health preventative program this Congress has crafted. Linking the two will destroy the intent of Superfund, which is to keep millions of Americans from ever facing the horror of illness caused by hazardous waste.

Mr. Chairman, I think we ought to take a look at what it is the committee is trying to do with the legislation before us. The committee is trying to clean up hazardous waste sites around the country as expeditiously as possible and to abate an ongoing and serious peril, not only to the people who live in the immediate area, but the people whose water supply, environment and health from contamination of the entire country is being adversely affected. We want to protect the public health and prevent persons from being afflicted with a serious health problem.

What is at stake here is a meaningful program to clean up. It is not a victim's compensation program, although a carefully crafted program of that nature may be appropriate.

The bill has in it $10 billion. The amendment would earmark 12 percent of that sum annually for victims' compensation.

The question that is before the committee today is a simple one. Do you want cleanup at the earliest possible minute or do you want to initiate a new program without any hearings, on this amendment, without any scrutiny as to cost, as to benefits, as to who shall be compensated, as to who shall administer the program, as to the relationship to insurance programs, and most importantly, as to who shall pay.

The amendment which I have been reading has the Administrator of EPA as the administrator of the program. Now, if there is an overburdened agency in Washington, it is the EPA, and if there is one with no experience whatsoever with victims' compensation, that is the agency. It is not the Department of Labor, the Social Security Administration, or any of the other agencies in Washington, such as HHS, that have traditionally dealt with this type of program, such as the Black Lung Program, which would administer the program. He undoubtedly would have to contract the program out. That is a prospect and a cost that scares me. EPA just does not have the resources or the know-how to conduct this broad and ill-defined program.

Now, there are some other concerns I think we ought to look at. If as the gentleman from New York [Mr. LENT] observed, three people in the area of every one of the 22,000 sites put in claims, that is 66,000 persons who will have a claim. If you take only the thousand dollars a month that each of them may draw—not including additional sums for burial expenses, moving expenses, relocation expenses, expenses for new homes, the cost of meals and lodging and travel, doctor's care and burial expenses that could be involved in this—you will find that you will have $66 million per month, or $790 million a year going out of the clean up fund for this sweeping program.

Now, with a 12-percent ceiling on this, what will happen? There will be a tremendous rush to the office of the Administrator of EPA. You will find that the funds are going to be depleted. At the end of the 12 percent, what is going to happen? A large number of deserving people are going to be standing there at the gate and they are going to be told, "The moneys are all gone. You do not qualify. We have already compensated all who beat you through the office door of the administrator of EPA."

Then what is the Congress going to do? The Congress, with probably the same amount of hearings and attention we have given to this particular proposal, is going to say, "Well, we will take another 12 percent from that fund and we will proceed to compensate the next group that has need of having compensation from these funds that are collected with so much difficulty."

□ 1740

Now remember, these hazardous waste sites are evoking a response from the Congress that is one of the strongest that I have ever seen. Here we have before us a situation of 22,000 sites dripping every manner of poison and hazardous substance into the environment and threatening the well-being of present and future generations of people. I want to help victims who are truly in need. I want to know more about that need and what should be done for them. But this amendment which has not been properly considered, is not the way.

Now, if there is need for a program of this kind, I think it can properly be estabished by proper hearings and by proper efforts to deal with the issue on the basis of careful and thorough and attentive consideration to the problem. I would gladly help toward that end.

And I would urge that that should be the course that the Congress should take in addressing the problem rather than permitting this event to simply go forward with an amendment offered in the best of good intentions I am sure, and offered in the best of good intentions I am sure, and offered in the best of good faith, but one which is mischievous because it raids a fund which is desperately needed for more important purposes and one which will have to be addressed again and again and again because the money here is not enough to accomplish our basic purposes of cleanup.

Regrettable, I urge defeat of this amendment so we can move quickly to the most essential goal of cleanup now.

Mr. Chairman, I yield back the balance of my time.

Mr. BROYHILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. It is not often that I am opposing the gentleman from Georgia. He is usually an ally of mine on a number of issues. But on this one I find that he is wrong.

There are a number of areas of concern that I have and I appreciate the attention of the Members. I would like to document them as quickly as I can.

I am concerned in this amendment that the gentleman has offered that claims can be made and granted without sufficient scrutiny as to their validity.

I do not find in this amendment, and I have had an opportunity this afternoon to read it over two or three times, I do not find any provision for any objective factfinding such as being able to interrograte the persons who make these allegations, or any provisions for cross-examination.

Now, there is a requirement in the bill for a Social Security type hearing. But that is the only kind of procedure, and I think it is rather curious to read on, that in that hearing the person who might later be sued for reimbursement from the fund has absolutely no right to participate in that hearing.

Let me move on, let me look, just for a moment, at the legal standard that is provided for in this bill. I am not a lawyer and I asked some of the lawyers around here as to the meaning of it.

"Compensation will be paid if the claimant's exposure was"—listen to

this term—"reasonably likely to contribute to the injury."

Now what is that standard? Is it known in law? I have been advised by competent attorneys that that standard is not known in law.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman repeat that again? The language says what?

Mr. BROYHILL. "Reasonably likely." Is the gentleman familiar with that term in law?

Mr. DAUB. Mr. Chairman, I practiced a lot of tort law in my day and would have difficulty defending against such a standard if I were in court.

Mr. BROYHILL. If I could say to the Members, the gentleman from Nebraska well knows, there are many substances that are reasonably likely to contribute to some ailment.

For example, we heard this week that the eating of eggs may contribute to eczema in children. You read that report that came out of the New England Journal of Medicine.

Now that is "reasonably likely." But what I am saying is this is a very lax legal standard.

Also, compensation will be awarded to those that are exposed to a hazardous substance from a facility or site. Now this is very important, and I want people's attention to this, because most people perhaps have the impression that we are talking about the release of a substance from a hazardous waste facility, one of these big waste dumps.

That is not what we are talking about. Because as I understand, the facility has the same meaning as Public Law 96-510, and under that, facility means, listen to this, any building, any structure, any installation, any equipment, any pipe or pipeline including any pipe into a sewer or publicly owned treatment works, any well, any pit, any pond, any lagoon, any impoundment, any ditch, any landfill, any storage container, any motor vehicle, any rolling stock, any aircraft. Now this is extremely broad.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Chairman, I was studying the same point earlier and I looked at the language on the first page of my good friend, Mr. LEVITAS' authorship because he and I have affection for one another and I do appreciate, from a discussion on this same kind of amendment in our Public Works Committee, the attempt he is making.

When it says subsection 3 of 401 the term "physical injury includes but is not limited to illness which is caused by exposure to a hazardous substance," then go to the bottom of page 2, it says: "If an individual", I underline the word "individual," "establishes by the preponderance of the evidence that he has suffered a physical injury or illness."

Then we go to the gentleman's point, a facility or site, but the word "release" which the gentleman just mentioned, release of a substance is a real problem.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(On request of Mr. DAUB and by unanimous consent, Mr. BROYHILL was allowed to proceed for an additional 3 minutes.)

Mr. DAUB. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL. I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Chairman, if you go to subsection 101 of title I under the hazardous substance release and look at subsection 9, we talk about a facility. Then we go over to the next page at subsection 22 and under the word "release" the exemption under B: emissions from an automobile engine or exhaust if from a motor vehicle.

Well, I submit on an example like lead, which is hazardous in gasoline, which creates car fumes and we all know about the mental retardation and mental illness that we have seen just recently being talked about in the press by the Secretary of Transportation under the proposed ban of leads in gasolines because of the illness that it causes, the word "release" is not in a position to exclude, under the draftsmanship that the gentleman from Georgia has included.

So I think it is the same point that the gentleman is making.

Mr. Chairman, would the gentleman agree?

Mr. BROYHILL. Mr. Chairman, I agree with that statement.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, as my friend from North Carolina said, he and I are frequently standing shoulder to shoulder. On this occasion, unfortunately, we have a slight disagreement.

The gentleman from North Carolina is wrong in his position on this occasion. I just regret that.

But I would like to make two points: Mr. Chairman, one is that this amendment is not something that just came out of the blue. There were hearings on this before the Public Works and Transportation Committee and before the Energy and Commerce Committee. The 301(e) task force called for this type of remedy and it is not just something that was fashioned out of the thin air.

There is a need for it. I would also like to say to my good friend from Nebraska, who is a very hard working member of our committee and contributes greatly, that the language that he cited on the bottom of page 1 was included to make certain that an unborn fetus would also be covered if the pollutants that the mother took in somehow or other affected the unborn child.

That was the only purpose for putting that language in—to make certain that the concerns that so many people have about the unborn would not be neglected in this particular piece of legislation.

I wish the gentleman from Illinois [Mr. HYDE], were here so he could help us make that point and the significance of it.

Mr. BROYHILL. Mr. Chairman, I would like to complete right now if I could, and sit down.

Mr. Chairman, let me just say I agree with the gentleman from Michigan [Mr. DINGELL] who made the statement a few moments ago that the purpose of this bill is to expand the Superfund program. There may be some argument over how much to expand it, but I think all of us agree that it needs to be expanded.

What I am concerned about with the program here is it would just divert the fund from what its intention is.

Mr. LENT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I would like to elaborate on some of the objections which have been brought forward with respect to this amendment offered by the gentleman from Georgia.

It is true that compensation under the terms of this bill would be awarded to those exposed to a hazardous substance from a "facility" or "a site."

□ 1750

And these two terms are, as the gentleman from North Carolina indicated, very, very, broadly defined in the bill.

The definition is so broad that compensation would have to be awarded for injuries suffered from exposure to asbestos or to formaldehyde or from drinking water from lead pipes. As we know, there are many communities, such as the city of Boston which take their drinking water from lead pipes. So that the claims for injuries, real or alleged, could likely run into the billions.

The awards procedure in this bill is retroactive for 20 years. The awards procedure applies to the dependents of

any deceased individuals. This opens the fund to an unknown number of claims on behalf of those who are already dead. This would also mean a huge drain on the fund which is supposed to be dedicated to the cleaning up of hazardous waste sites.

It was pointed out earlier that the fund awards payments to those "reasonably likely" to have been injured by exposure to a facility or site where the disposal occurred. Disposal is defined very broadly and includes the "discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste into or on any land or water."

The fund also compensates those reasonably likely to have been injured by exposure from a facility or site where a hazardous substance was "treated, recycled, stored, or migrated from."

Mr. Chairman, this is an incredibly broad array of pathway exposures, particularly when coupled with the expansive definition of facility and site being undefined.

In addition to the hazardous substances which are listed, there is also compensation for exposure to any "pollutant or contaminant." Now, "a pollutant or contaminant" is a very broad term and it could be any chemical or compound, including salt, vinegar, or the chemicals used to keep swimming pools clean. It would include any suspected carcinogen. Remember, that the standard of proof, under the terms of the bill, is reasonably likely to contribute to the injury and any substance which cause an acute reaction.

There is one last point I would like to make on the issue of subrogation. I urge my colleagues not to ignore the subrogation provisions in this amendment. Subrogation allows the Government to sue an allegedly responsible party and collect reimbursement for all of the money paid to a claimant. The standard of proof required of the Government in these reimbursement actions is the same as the claimant's lack standard of proof.

The defendant in a subrogation action does not stand a chance. Not only does he have to pay the medical expenses, the loss wages, the cost of alternative water supply, but also the claimant's attorney's fees, the medical expert who may have performed expensive studies, and arguably the litigation costs of the Government. This is on top of the defendant's own litigation costs.

I suspect that the enactment of this proposal will result in a very sharp increase in the number of bankruptcies in this country.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to just respond to a point that the gentleman from Georgia made. He stated that there were substantial hearings in the Energy and Commerce Committee, on which I serve, and on the Committee on Public Works and Transportation, on which he serves. Yes, we had hearings on the issue, on the subject, and, of course, the subject was not one on which we could find consensus and agreement.

But I would like to say that we have never ever held a single hearing on this 13-page document which constitutes a new piece of legislation, a new entitlement program, an extremely billion-dollar level program. As of this morning that program was lodged in the Social Security Administration.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise to strongly support this amendment, an amendment that promises something concrete and tangible to the victims of this country, those victims who have been cast off during the current Superfund program. This amendment states that Superfund protection must go beyond payment to a tree in your yard. It must also pay for the damage to the health of people that live in the homes, that live near the sites, for the lives that are lost, for the health which is lost, for the jobs and the income which are lost for families.

Believe it or not, some people consider this a radical idea to reimburse people for their medical expenses and lost wages.

Some people say that it is unreasonable by demanding a system that will compensate people for their out-of-pocket expenses for medical care. I contend that this is the most reasonable to address the problems created by soaring medical costs incurred by victims of hazardous waste exposure, because they were unlucky enough to live near a hazardous waste site.

If those Americans who happen to reside in one of the 540 communities which contain a priority waste site in their neighborhoods were all watching C-Span right now; and if we could line the galleries with those sons and daughters, brothers and parents whose bodies have been polluted by drinking contaminated water or by living on polluted land, then I think the tone of the debate today would be a little bit different.

I think that the people who have suffered at the hand of toxic chemicals would be appalled by the thought that we put compensation for a tree ahead of compensation for their health.

I also think that these people would find this amendment very sensible and very welcome. A proposal that offers them timely, but limited relief for their medical bills and lost wages which is long overdue.

If these victims were watching, they would have seen this body debate provisions which enable them to go to Federal court and to try and obtain some compensation. I think that these provisions are necessary since they will help many victims.

But they have been deleted. There are no provisions in here for a Federal cause of action now.

The real tragedy is that not everyone can go to trial even if we allowed them to. Not everyone has the time or the finances or the case to make it worth their while to prosecute an action at trial. A $50,000 case, a $100,000 case. What if it were just a poor person that lost $10,000 in out-of-pocket medical expenses? Are they going to be able to go to Federal court? Not under this bill. Are they going to able to go to State court? Perhaps. But it will take so much in legal fees that they will have a right without a remedy. And they will be able to execute it.

In fact, I have constituents in Woburn, which was once the No. 1 hazardous waste site in the United States, who began their case in 1979 in State court and who have still not made it through the courthouse door.

Litigation may be the only adequate remedy for those unfortunate Americans who have suffered severe damages, or for those people who have the patience and possess the substantial financial resources necessary to undertake litigation in State court, but the sad fact is that most people do not need large judgments 5 years down the road, although they may be entitled to them. The great majority, the vast majority, the overwhelming majority of people who have been affected by hazardous waste exposure need timely relief and they need it now.

Most victims who would be watching in the galleries are not out to get rich, although it is the claim of some opponents of this bill. They are not out to bankrupt corporate America, although that is what we are hearing today. They just want their fair compensation.

The CHAIRMAN. The Chair will remind the gentleman from Massachusetts that he is not to refer to those present in the galleries or the television audience.

They just want their fair compensation. Simple reimbursement for out-of-pocket medical expenses and for lost wages.

And contrary to popular belief, many of these victims are not anxious to go through the trouble and the expense of hiring a battery of lawyers and experts to try their case. All they desire is a simple, understandable

system where they can turn to for some timely and limited compensation.

This amendment would create such a system. It would provide timely compensation to those people who have suffered so much and received so little.

The amendment would correct a mistake this Congress made 4 years ago when we created Superfund. At that time, we rejected provisions creating a victim's compensation system out of deference to more study of the issue.

□ 1800

That study has been done by the section 301(e) study group, a collection of legal experts charged with reviewing "the adequacy of existing common law statutory remedies," and to evaluate the "nature of the barriers to recovery."

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. That study group concluded that the current system of common law remedy is inadequate, and the barriers to recovery are, in most cases, insurmountable for ordinary people.

In the face of those barriers, the study group recommended an administrative system that would remove some of the burden on victims and on the court system to go to trial. This amendment was drawn from the study group's recommendations, with the hope that Congress will not again turn its back on the innocent victims of hazardous wastes.

This amendment would create a Federal administrative system which could provide victims compensation from the Fund for medical bills and lost income. A potential victim would have to demonstrate before an administrative law judge that he or she was exposed to hazardous waste and has suffered an injury. In addition, a victim must convince that administrative judge that there is a reasonable likelihood that such exposure caused the injury. If the victim satisfies the administrative law judge that his or her claim is valid, then they can receive compensation for all out-of-pocket medical expenses and limited lost income.

To help the victim demonstrate the reasonable likelihood, they could use health effects documents and other studies that could buttress the claim.

Before I conclude, I want to caution my colleagues that this is not an entitlement program, as earlier drafts of similar amendments may have suggested. This amendment clearly states that payments can be made only from amounts appropriated to the hazardous substance Superfund and any award for relief is subject to advance appropriations and subject to the availability of adequate funds.

I got a call a couple of months ago from a father of a child who lived near the Woburn hazardous waste site, a father whose child was born without any ears. Now, what do you say to a father like that? What do you say to a family that has had to incur unbelievable medical expenses? "No, there is no relief for you, no, you cannot go into Federal court, no, there is no help from the chemical companies to help you in your compensation"?

What we have here is a historic opportunity, a historic opportunity to say to victims of hazardous waste that we will give them a remedy, a remedy that allows them to receive just compensation.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has again expired.

(On request of Mr. DAUB and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I would like to ask the gentleman from Massachusetts what he plans to do for the person who has perhaps lost his legs in an automobile accident where it was a hit and run and there was no insurance in the case. Is not the situation at least as sympathetic as the one he has just mentioned? Isn't it a more substantiated case of harm? What about someone who was not born with ears who did not live near a hazardous waste dump?

Mr. MARKEY. What we are talking about here is creating a connection between, in fact, exposure to the illegal dumping of hazardous waste, and, in fact, some subsequent injury which has been incurred by an individual. If there could be in fact some connection between a drug company or some medical malpractice with a doctor and the child has been born with no ears in these other insurances, they ought to be able to and under common law can collect.

Mr. RITTER. If I may reclaim my time, the gentleman knows full well and has been through this many times and has seen the paucity of evidence linking human health damages to hazardous waste sites.

Mr. MARKEY. The point of the matter is this: We are not contending that any of these cases ought to be decided one way or the other, only that victims ought to have an alternative vehicle, an alternative forum which gives them their day in court.

Mr. RITTER. If I may reclaim my time——

Mr. MARKEY. It is my time. The gentleman is now speaking on my time.

I contend that without this kind of system that the hundreds of thousands of people who potentially have been exposed across this country will never see a day in court, will never have any remedy. No one from my communities has ever received a nickel from their exposure. And I dare say that we could count on one hand the number of people in our country who have, in fact, been able to receive relief. That, in spite of insurmountable evidence that, in fact, across this country hundreds and thousands of families have been adversely affected by their health. We need this kind of an amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has again expired.

(On request of Mr. RITTER and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Pennsylvania.

Mr. RITTER. The gentleman talks about insurmountable evidence. The problem with this whole victims compensation area in that the evidence is not only not insurmountable, but it is extremely tenuous. We do not have it. What the gentleman is proposing is to create a fund for compensating victims whose cause of damage is extremely tenuous as opposed to, say, creating a fund for victims who have been mugged in the street, who have lost their wallet and perhaps their health as a result, whose cause of damage is far more substantiated.

The gentleman also talks about the system for carrying out a victims compensation program. But as of this morning, the entire system that this amendment was built around, which was the Social Security Administration Disability Program, was removed. Today, this moment, the system for adjudicating, the system for evaluating is now the EPA Administrator, who as the gentleman from Michigan so eloquently stated, is one of the most overloaded public servents in our town.

Mr. MARKEY. I want to reclaim my time. If we do not put this system in place, there is, in fact, no relief we offer to victims of hazardous waste exposure.

Mr. RITTER. What system? That is the point.

Mr. MARKEY. And what we have said is this, we put ourselves in the ironic situation where we will put up money to clean hazardous waste sites. Why? Because they affect people's health and happiness adversely, but yet when we turn and look at the consequences of it, we in fact do not offer any remedy whatsoever because we give them the illusory promise that

somehow or another the State court will give them protection. In fact, the reality is that that is not the case in this country. Victims of this kind of exposure to hazardous waste have no relief. If you are mugged, you can go to the police, you can have that person arrested. If you have some kind of car accident, you can take that case to court and there is right now a body of law that you can use to protect yourself. Because this is a new area of law in this country that has not yet developed the proper amount of sophistication and scientific validation that has reached a point where in fact there are court cases that give people protection, hundreds and thousands of people across this country go without protection.

What we are saying is that in view of the reality of the situation, we establish this administrative law tribunal, we give them this kind of protection, we put up the kind of funding that gives families money to protect them against being ravished financially by their inadvertent exposure to hazardous waste over which they have no control whatsoever.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has again expired.

Mr. RITTER. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. MARKEY] be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ECKART. Mr. Chairman, reserving the right to object—and I shall not object—I would just like to say that we have a number of other speakers and a timetable, hopefully, for completion of this bill.

I will withdraw my objection on the understanding that we can proceed in a timely and propitious manner.

Mr. D'AMOURS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr Chairman, I first of all want to pay tribute to the gentleman from Georgia for having brought this amendment to our attention. I think sometimes in the process of the excitement of passing on something as important as a Superfund bill, as expensive as a Superfund bill, we sometimes tend to lose track of what we are doing. The reason we are cleaning up these toxic waste dumps, full of chemical pollution, is because they are hurting people.

I do not serve on the Commerce Committee nor on the Public Works Committee, but I do have constituents in New Hampshire, Mr. Chairman, who have been and are being harmed because they happen to live close to toxic waste dumps.

Now, all the gentleman from Georgia, in this amendment, seeks to do is to give them a fair chance at some kind of remedy. They cannot go to court because they cannot afford the enormous cost, toxicological reports, and the like, of preparing a case. They cannot go to court because they cannot wait for the 2, 3, 4, or more years that a court-litigated case might take. They cannot go to court because they may live next to a toxic waste dump that has been closed and abandoned, and no one has any idea or can prove who, in fact, they should be suing.

All the amendment of the gentleman from Georgia does is to give these people a chance to recoup their costs, to recoup some of their costs, to recoup their medical expenses, because they cannot affort to pay them. They happen to be people of sometimes very, very meager and modest means. We are trying in this amendment to give the people who have been poisoned, whose children have leukemia, who themselves have been hurt and are ill because they happen to live next to a toxic waste dump some remedy which they otherwise would not have.

Now, let me say that I have heard that 12 percent is too much money. I do not serve on the committee. I do not know whether 12 percent is a little too much or maybe not enough money. But I do know that nobody here is coming forth with any alternative that they think would be the proper amount of money. And I think that if they are going to make that claim, then they should tell us what amount of money we should be spending, if they think this is too much. They certainly should not say we are going to destroy the fund entirely if you cannot prove that this is not too much money. That is not a fair burden to put upon the proponents of the fund.

□ 1810

Those people who fear that these expenses are going to consume the entire Superfund, I would say first, it clearly is not an entitlement program, and secondly, the rights of the people who are recompensed under the fund are subrogated to the U.S. Government. The U.S. Government can take their place and recover these costs plus the fund is paid for any other payments these people might have access to. Lest you think we are going to bankrupt the United States of America by this, remember that 86 percent of all Americans are insured privately. That money is going to help to pay for some of these expenses.

If we do not think that we are talking about people with serious illness or injury in this debate, then we are missing the point. We are going to spend a lot of money cleaning up toxic waste, a lot of that money is going to go to contractors whose business it is to clean up these sites. A lot of that money is going to go to bureaucrats. All we are suggesting is that some of that money should go for the purpose to which that whole concept is directed and that is to protect human life, to protect human health, to give some access to fairness, and to recompense the people who have, through no fault of their own, been harmed.

The CHAIRMAN. The time of the gentleman from New Hampshire [Mr. D'AMOURS] has expired.

(On request of Mr. RITTER and by unanimous consent, Mr. D'AMOURS was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. D'AMOURS. I yield to the gentleman.

Mr. RITTER. I thank the gentleman for yielding.

I personally do not have a problem with the money part of this. Many of us do not have a problem with the money part of this, but is the gentleman aware that now that in the Social Security Administration has been removed there are no procedures, no administrative organization within this 13-page document that are capable of administering a massive new program with massive numbers of claimants. You are talking about substantial new program and the heart of the amendment which was the Social Security Administration's disability organization, the agency responsible for carrying out the claims process, has been lifted out. The procedural part of administering this massive new program has been given to the EPA Administrator.

There is no way on God's good Earth that this gentleman, whether he is a Republican or a Democrat appointee has the capability to go through with this program. Simply put, this amendment lacks a structure to carry it out!

Mr. D'AMOURS. I would reclaim my time and say that the gentleman from Georgia [Mr. LEVITAS] has been very careful to delegate this authority to the Administrator of the EPA and we leave it to his discretion and judgment and hopefully, perhaps with our assistance, to find a way to do this.

It is always easy to criticize and to find reasons not to do something. I think it is our responsibility to find a way to accomplish this purpose. Let us find out whether the EPA Administrator can do it. I do not know any reason why the Administrator of EPA could not set forth a system patterned on other systems already in existence in the Federal Government to accomplish this end. I would rather assume that he can and give people justice, than assume that he cannot and deprive them of justice.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the 5 minutes. I will try to be very brief, because I know time is very precious on the passage of this bill.

I should like to say that I rise in support of the amendment and one thing that I think should be mentioned. I have been asking repeatedly tonight about the question of the natural resources or property damage claims. I am advised that that has been struck so that there is no fund, no portion of the Superfund that can be paid in the future, as the committee print is now, for any property damage or natural resource claims.

So, for those of us like myself, who sat back and though about, well, 12 percent plus 6 percent is 18 percent, it is not so. It is 12 percent as a cap, that is a maximum. There is no 6 percent, there is no claims for property damage. I support this amendment.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will be very brief for two reasons, first, because I have great affection for the author of the amendment. He and I serve on the committee together, we have been through most of this debate together in Public Works where the amendment in its original form was not accepted. Second, because I have already made part of my case. That is that the drafting of the section that deals with how we establish who can take advantage of the fund in the event there is an injury is so vague and so general and so subject to misinterpretation, that I am afraid that the litigation would be so protracted from our lack of being specific, that we would not get very far.

I want to say to the gentleman from Massachusetts who spoke earlier that this attempt is not radical and that this attempt is not unreasonable. It is not radical when you look back at the history of the black lung bill, and it, indeed, is not unreasonable when you take a look at what Chairman JONES of the Budget Committee has said about the bill that is in front of us.

In his fact sheet, when he examined the financial and monetary impact on our budget process, the Energy and Commerce portion of the bill was estimated to have $6.4 billion in revenues but $8 billion in outlays. The Ways and Means portion of the bill was estimated by Mr. JONES and the Budget Committee to have net revenues under the language of the bill of $5.8 billion, but estimated outlays would be $8.1.

So I say to my colleagues that, indeed, it is not a matter of being unreasonable; it is sort of the way we act around here all the time.

I would like lastly to call to my colleagues' attention the very well-written editorial in the New York Times of August 9, where it talks about, and I quote:

A lawyer's dream of paradise is said to be that everyone is resurrected and sues to claim his property back from his descendants. The House risks creating a close terrestrial equivalent in its revision of the Superfund law regulating the cleanup of abandoned toxic dump sites.

I go further, and skipping some of the credit they give to Mr. FLORIO, who deserves the credit they give him, to the point of creating money for interest provisions for victims' problems. They say, and I quote:

No matter how valid the claims of some victims, the diversion of money from the Superfund would detract from its prime purpose of cleaning up as many dumps as quickly as possible. Each dump site holds different wastes, and it would take a major medical study to determine who had been harmed. Even more important than compensating victims of past, hard-to-prove negligence is avoiding the creation of new victims.

I further quote:

Victims' interests are in any case already provided for in most State tort laws. A commission appointed by Congress under the present Superfund law decided that State laws are working well, at least for the larger claims. It specifically recommended against creating a Federal cause of action, as the new bill does.

Compensation is an issue separable from cleanup, and until medical science gives a clearer picture of health around toxic dumps, or state laws are found clearly deficient, there is little need for change. If the House sets high priority on expunging toxic dumps, it has to insure that the expanded Superfund is dedicated to that cause alone.

I ask my colleagues to vote this amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. LEVITAS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DAUB. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 200, not voting 73, as follows:

[Roll No. 371]

AYES—159

Ackerman	Boxer	Dwyer
Akaka	Britt	Dymally
Albosta	Brown (CA)	Eckart
Anderson	Burton (CA)	Edgar
Annunzio	Carr	Edwards (CA)
Applegate	Clay	Evans (IA)
Aspin	Coelho	Evans (IL)
AuCoin	Collins	Fazio
Barnes	Conte	Feighan
Bates	Conyers	Fish
Beilenson	Cooper	Florio
Bennett	D'Amours	Foglietta
Berman	Dellums	Ford (TN)
Bilirakis	Donnelly	Fowler
Boehlert	Dowdy	Frank
Boland	Downey	Frost
Bonker	Durbin	Gaydos
Gejdenson	McHugh	Savage
Gilman	McKernan	Scheuer
Glickman	McNulty	Schneider
Gonzalez	Mica	Schroeder
Gray	Mikulski	Schumer
Gregg	Miller (CA)	Seiberling
Guarini	Mineta	Sensenbrenner
Hall (IN)	Minish	Sikorski
Hall (OH)	Mitchell	Smith (IA)
Harkin	Moakley	Smith (NJ)
Hayes	Molinari	Snowe
Heftel	Moody	Solarz
Hertel	Morrison (CT)	Solomon
Hoyer	Mrazek	St Germain
Jacobs	Murphy	Stark
Kastenmeier	Oakar	Stokes
Kennelly	Oberstar	Studds
Kildee	Obey	Sundquist
Kleczka	Ortiz	Thomas (GA)
Kogovsek	Owens	Torres
Kolter	Panetta	Torricelli
Kostmayer	Patterson	Vandergriff
LaFalce	Penny	Vento
Lantos	Petri	Volkmer
Latta	Price	Waxman
Leach	Rahall	Weaver
Lehman (CA)	Rangel	Weber
Leland	Ratchford	Weiss
Levitas	Reid	Wheat
Long (MD)	Richardson	Williams (MT)
Lowry (WA)	Rinaldo	Wirth
Markey	Rodino	Wolpe
Martinez	Roe	Wyden
Matsui	Roybal	Yates
Mavroules	Russo	Yatron
McDade	Sabo	Young (MO)

NOES—200

Andrews (NC)	Foley	Mazzoli
Andrews (TX)	Ford (MI)	McCain
Anthony	Frenzel	McCandless
Archer	Gekas	McCloskey
Barnard	Gibbons	McCollum
Bartlett	Gingrich	McGrath
Bereuter	Goodling	McKinney
Bevill	Gore	Michel
Biaggi	Gradison	Miller (OH)
Bliley	Gramm	Mollohan
Bonior	Green	Montgomery
Borski	Gunderson	Moore
Breaux	Hall, Ralph	Morrison (WA)
Broomfield	Hamilton	Murtha
Brown (CO)	Hammerschmidt	Myers
Broyhill	Hance	Natcher
Bryant	Hansen (ID)	Nelson
Byron	Hansen (UT)	Nielson
Carney	Harrison	O'Brien
Carper	Hefner	Olin
Chandler	Hightower	Ottinger
Chappell	Hiler	Oxley
Chappie	Holt	Packard
Cheney	Hopkins	Parris
Clinger	Horton	Pashayan
Coats	Hubbard	Patman
Coleman (MO)	Huckaby	Paul
Coleman (TX)	Hughes	Pease
Conable	Hunter	Pepper
Corcoran	Hutto	Pickle
Coughlin	Hyde	Porter
Courter	Ireland	Ray
Craig	Jenkins	Regula
Crane, Daniel	Johnson	Ridge
Crane, Philip	Jones (NC)	Ritter
Crockett	Jones (OK)	Roberts
Daniel	Jones (TN)	Robinson
Dannemeyer	Kasich	Roemer
Darden	Kazen	Rogers
Daub	Kemp	Roth
Derrick	Kindness	Roukema
DeWine	Kramer	Rowland
Dickinson	Lagomarsino	Sawyer
Dicks	Lent	Schaefer
Dingell	Levin	Schulze
Dorgan	Lewis (CA)	Sharp
Dreier	Lewis (FL)	Shaw
Duncan	Livingston	Shumway
Dyson	Lloyd	Shuster
Edwards (AL)	Long (LA)	Siljander
Edwards (OK)	Lowery (CA)	Sisisky
Emerson	Lujan	Skeen
English	Luken	Slattery
Erdreich	Lungren	Smith (NE)
Fiedler	Mack	Smith, Denny
Fields	Madigan	Spence
Flippo	Martin (IL)	Spratt

Staggers	Thomas (CA)	Winn
Stangeland	Valentine	Wise
Stenholm	Vander Jagt	Wolf
Stratton	Vucanovich	Wortley
Stump	Walgren	Wright
Swift	Walker	Wylie
Synar	Watkins	Young (AK)
Tallon	Whitley	Young (FL)
Tauzin	Whitten	Zschau
Taylor	Wilson	

NOT VOTING—73

Addabbo	Garcia	Neal
Alexander	Gephardt	Nichols
Badham	Hall, Sam	Nowak
Bateman	Hartnett	Pritchard
Bedell	Hatcher	Pursell
Bethune	Hawkins	Quillen
Boggs	Hillis	Rose
Boner	Howard	Rostenkowski
Bosco	Jeffords	Rudd
Boucher	Kaptur	Shannon
Brooks	Leath	Shelby
Burton (IN)	Lehman (FL)	Simon
Campbell	Levine	Skelton
Clarke	Lipinski	Smith (FL)
Coyne	Loeffler	Smith, Robert
Daschle	Lott	Snyder
Davis	Lundine	Tauke
de la Garza	MacKay	Towns
Dixon	Marlenee	Traxler
Early	Marriott	Udall
Erlenborn	Martin (NC)	Whitehurst
Fascell	Martin (NY)	Whittaker
Ferraro	McCurdy	Williams (OH)
Franklin	McEwen	
Fuqua	Moorhead	

□ 1830

Mr. WILSON and Mrs. LLOYD changed their votes from "aye" to "no."

Mr. MATSUI and Mr. RUSSO changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX:
—Add a new title V as follows and redesignate the existing title V as title VI:

TITLE V—OIL POLLUTION LIABILITY AND COMPENSATION

Subtitle A—Short Title and Definitions

SEC. 501. (a) Subtitles A-D may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act."

(b) For the purposes of this Act, the term—

(1) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(2) "claim" means a demand in writing for a sum certain;

(3) "cleanup costs" means costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from that incident;

(4) "discharge" means any emission, intentional or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(5) "facility" means a structure, or group of structures, which is either—

(A) located, in whole or in part, on the outer Continental Shelf and used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the outer Continental Shelf, or

(B) licensed under the Deepwater Port Act of 1974;

(6) "foreign claimant" means any person residing in a foreign country, the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim;

(7) "guarantor" means the person, other than the responsible party, who provides evidence of financial responsibility for a responsible party;

(8) "incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, which causes, or poses a substantial threat, of oil pollution;

(9) "inland oil barge" means a non-self-propelled vessel, carrying oil in bulk as cargo or in residue from cargo and certificated to operate only on the internal waters of the United States while operating in such waters;

(10) "internal waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside that baseline which are a part of the Gulf Intracoastal Waterway;

(11) "lessee" means a person holding a leasehold interest in an oil and gas lease on submerged lands of the outer Continental Shelf granted or maintained under the Outer Continental Shelf Lands Act;

(12) "licensee" means a person holding a license issued under the Deepwater Port Act of 1974;

(13) "mobile offshore drilling unit" means every watercraft or other contrivance (other than a public vessel of the United States) capable of use as a means of transportation on water and as a means of drilling for oil on the outer Continental Shelf;

(14) "natural resources" means living nonliving resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15) "navigable waters" means the waters of the United States, including the territorial sea;

(16) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(17) "oil pollution" means—

(A) the presence of oil which has been discharged from a vessel or facility in quantities which the President has determined may be harmful pursuant to paragraph (4) of subsection (b) of section 311 of the Federal Water Pollution Control Act—

(i) in or on the navigable waters or on land within the United States immediately adjacent thereto; or

(ii) in or on the waters of the contiguous zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone; or

(B) the presence of oil (other than natural seepage) in or on the waters of the high seas outside the territorial limits of the United States—

(i) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act;

(ii) when discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or from a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port licensed under such Act;

(iii) causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(iv) when discharged, prior to being brought ashore in a port in the United States, from a ship that received oil at the terminal of the pipeline constructed under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) for transportation to a port in the United States; or

(C) the presence of oil (other than natural seepage) in or on the territorial sea, internal waters, or adjacent shoreline, of a foreign country, in a case where damages are recoverable by a foreign claimant under section 503(b)(6) of this title;

(18) "operator" means—

(A) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(B) in the case of a pipeline, any person, except the owner, who is responsible for the operation of such pipeline by agreement with the owner;

(19) "outer Continental Shelf" has the meaning set forth in subsection (a) of section 2 of the Outer Continental Shelf Lands Act;

(20) "owner" means, in the case of a vessel or a pipeline, any person holding title to, or in the absence of title, any other indicia of ownership of, the vessel or pipeline, whether by lease, permit, contract, license, or other form of agreement, except that such term does not include a person who, without participating in the management or operation of a vessel or a pipeline, holds indicia of ownership primarily to protect his security interest in the vessel or pipeline;

(21) "permittee" means a person holding an authorization, license, or permit for geological exploration issued under section 11 of the Outer Continental Shelf Lands Act;

(22) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or any other commercial, legal, or governmental entity;

(23) "public vessel" means a vessel which—

(A) is owned or chartered by demise, and operated by (i) the United States, (ii) a State or political subdivision thereof, or (iii) a foreign government, and

(B) is not engaged in commercial service;

(24) "removal costs" means—

(A) costs incurred under subsection (c), (d), or (l) of section 311 of Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, or subsection (b) of section 18 of the Deepwater Port Act of 1974, and

(B) cleanup costs, other than the costs described in subparagraph (A);

(25) "responsible party" means—

(A) with respect to a vessel or a pipeline, the owner or operator of such vessel or pipeline;

(B) with respect to a facility (other than a deepwater port or pipeline), the lessee or permittee of the area in which such facility is located, or the holder of a right of use and easement granted under the Outer Continental Shelf Lands Act for the area in which such facility is located where such holder is a different person than the lessee or permittee; and

(C) with respect to a deepwater port, the licensee;

(26) "Secretary" means the Secretary of Transportation;

(27) "ship" means a vessel (other than an inland oil barge) carrying oil in bulk as cargo or in residue from cargo;

(28) "Trust Fund" means the fund established by Subtitle B of this Act;

(29) "United States" and "State" include the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(30) "United States claimant" means any person residing in the United States, the Government of the United States or any agency thereof, or the government of a State or a political subdivision thereof, who asserts a claim; and

(31) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

COORDINATION WITH INTERNATIONAL CONVENTIONS

SEC. 502. On and after the first date on which both the International Convention of Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States, this title shall not apply with respect to damage arising out of or directly resulting from oil pollution or a substantial threat of oil pollution to the extent this title is inconsistent with such conventions and subtitle D of this Act.

DAMAGES AND CLAIMANTS

SEC. 503. (a) Claims for damages for economic loss, incurred on or after the effective date of this section and arising out of or directly resulting from oil pollution or the substantial threat of oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) injury to, or destruction of, natural resources, including reasonable cost incurred by the trustee of the damaged resources in assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources;

(4) loss of subsistence use of natural resources;

(5) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources to the extent that such damages were sustained during the two-year period beginning on the date the claimant first suffered such loss; and

(6) loss of tax revenue for a period of one year due to injury to real or personal property.

(b)(1) A claim may be asserted under paragraph (1) of subsection (a) by any claimant, except that the responsible party with respect to a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 504(c) of this title or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 504(b) of this title, in which case the claim may be asserted only to the extent that the sum of the removal costs incurred by the responsible party plus the amounts paid by the responsible party or by the guarantor on behalf of the responsible party for claims asserted under subsection (a) of this section exceeds the amount to which the total of the liability under section 504(a) and removal costs incurred by, or on behalf of, the responsible party is limited under section 504(b).

(2) A claim may be asserted under paragraphs (2) and (4) of subsection (a) by any United States claimant, if the property involved is owned or leased, or the natural resource involved is utilized, by the claimant.

(3) A claim may be asserted under paragraph (3) of subsection (a) by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercise exclusive management authority, or by the Governor of any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State. Compensation paid under this paragraph may be used only for assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources.

(4) A claim may be asserted under paragraph (5) of subsection (a) by any United States claimant if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource or, if such activities are seasonal in nature, 25 per centum of the claimant's earnings during the season in which such activities took place.

(5) A claim may be asserted under paragraph (6) of subsection (a) by any State or political subdivision thereof.

(6) Except as otherwise provided in this paragraph, a claim may be asserted under paragraphs (2), (3), (4), and (5) of subsection (a) by a foreign claimant to the same extent that a United States claimant may assert a claim if—

(A) the oil pollution occurred in the waters, including the territorial sea, or adjacent shoreline of a foreign country of which the claimant is a resident;

(B) the claimant is not otherwise compensated for his loss;

(C) the oil was discharged from a vessel located within the navigable waters, was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, or was discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or a vessel transitting to or from a deepwater port and located in a safety zone of a deepwater port under such Act; and

(D) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country of which the claimant is a resident, or the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

In the case of any oil pollution involving oil that has been transported through the pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act, has been loaded on a vessel for transportation to a port in the United States, and is discharged from such vessel before being unloaded in that port, a claim may be asserted by a resident of Canada without regard to subparagraphs (A), (C), and (D) of this paragraph, to the same extent that a United States claimant may assert a claim.

(7) A claim may be asserted under any paragraph of subsection (a), by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection.

(c) If the Attorney General fails to act under paragraph (7) of subsection (b) within sixty days after the date on which the Secretary designates a source under section 506, any member of a group may assert a claim for damages on behalf of that group. Failure of the Attorney General to act shall have no bearing on any claim for damages asserted under this section.

LIABILITY

SEC. 504. (a)(1) Subject to paragraph (2) of this subsection and subsections (b) and (c) of this section, the responsible party with respect to a facility or a vessel (other than a public vessel) that is the source of oil pollution, or poses a substantial threat of oil pollution in circumstances that justify the incurrence of the type of costs described in section 501(b)(24)(A) of this title, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 503.

(2)(A) Except as provided in subparagraph (B) of this paragraph, in any case in which a mobile offshore drilling unit is being used as a facility and is the source of oil pollution originating on or above the surface of the water or poses the substantial threat of such oil pollution, such unit shall be deemed to be a vessel which is a ship for purposes of this title.

(B) To the extent that damages for which claims may be asserted under section 503 from any incident described in subparagraph (A) exceed the amount for which the responsible party is liable under subparagraph (A) (as such amount may be limited under subsection (b)(2) of this section), the mobile offshore drilling unit shall be deemed to be a facility covered by subsection (b)(4) of this section, except that for purposes of applying subsection (b)(4) the amount specified in such subsection shall be reduced by the amount for which the responsible party with respect to a ship is liable under subparagraph (A) of this paragraph.

(C) In the case of any incident described in subparagraph (A) which is caused primarily by willful misconduct or gross negligence within the privity or knowledge of both the owner or operator of the mobile offshore drilling unit and the lessee or permittee of the area, or holder of a right of use or easement for the area, in which such unit is located; or which is caused primarily by a violation within the privity or knowledge of both such owner or operator and such lessee or permittee or holder of applicable safety, construction, or operating standards or regulations of the United States; or with respect to which both such owner or operator and such lessee or permittee or holder fail or refuse to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, such owner or operator and such lessee or permittee or holder shall be jointly, severally, and strictly liable (without limitation under subsection (b)) for all loss for which a claim may be asserted under section 503 of this title.

(b) Except when the incident is caused primarily by willful misconduct or gross negligence within the privity or knowledge of a responsible party, or is caused primarily by

a violation within the privity or knowledge of a responsible party of applicable safety, construction, or operating standards or regulations of the United States; and except when a responsible party fails or refuses to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, the total of the liability under subsection (a) of this section and any removal costs incurred by, or on behalf of, such responsible party shall be limited to—

(1) in the case of a vessel other than a ship or an inland oil barge, $150 per gross ton;

(2) in the case of a ship, $1,000,000 or $400 per gross ton, whichever is greater (but not to exceed $40,000,000);

(3) in the case of an inland oil barge, $150,000 or $150 per gross ton; whichever is greater; or

(4) in the case of a facility, $50,000,000.

The Secretary shall, from time to time, report to Congress on the desirability of adjusting the limitations of liability specified in this subsection.

(c)(1) Except when the responsible party has failed or refused to report an incident where required by law, there shall be no liability under subsection (a) of this section if such responsible party proves that the incident—

(A) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(B) was wholly caused by an act or omission of a person other than—

(i) a responsible party;

(ii) an employee or agent of a responsible party; or

(iii) one whose act or omission occurs in connection with a contractual relationship with a responsible party.

(2) There shall be no liability under subsection (a) of this section—

(A) as to particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(B) as to a particular claimant, to the extent that the incident or economic loss is caused by the negligence of that claimant.

(d)(1) Except as provided in subtitle B the Trust Fund shall be liable for damages for which claims may be asserted under section 503 of this title and which are presented under this title, to the extent that the loss is not otherwise compensated.

(2) Except for the removal costs specified in section 501(b)(24)(A) of this title, there shall be no liability under paragraph (1) of this subsection—

(A) where the incident is caused wholly by an act of war, hostilities, civil war, or insurrection;

(B) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(C) as to a particular claimant, to the extent that the incident or the economic loss is caused by the negligence of that claimant.

(e)(1) In addition to the damages for which claims may be asserted under section 503 of this title, and without regard to any limitation of liability provided in subsection (b) of this section, the responsible party with respect to a facility or vessel, or his guarantor (subject to the guarantor's limitation set forth in subsection (d) of section 505 of this title), shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the responsible party or guarantor to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the responsible party or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the responsible party or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which advertising was commenced pursuant to section 506 of this title, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the responsible party or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve bulletin.

(f)(1) A responsible party with respect to a facility or vessel may not transfer the liability imposed under this section to any other person.

(2) Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who, by an agreement with a responsible party with respect to a facility utilized in activities under the Outer Continental Shelf Lands Act, is engaged in such activities, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section. Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who owns or operates a towing vessel, by an agreement with a responsible party with respect to a non-self-propelled vessel, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section.

(g) Nothing in this title shall bar a cause of action that a responsible party subject to liability under this section or a guarantor has or would have by reason of subrogation or otherwise against any person.

(h) To the extent that it is in conflict with, or otherwise inconsistent with, any other law relating to liability or the limitation thereof, this section supersedes such other law.

FINANCIAL RESPONSIBILITY

SEC. 505. (a)(1) The responsible party with respect to each vessel (except a public vessel or a non-self-propelled vessel that does not carry oil as cargo or fuel) over three hundred gross tons that uses a facility or the navigable waters shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum liability under section 504 of this title to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 504 of this title. In cases where a responsible party owns or operates more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this Subsection that does not have the certification required under this subsection or the regulations issued hereunder.

(3) The Secretary of the department in which the Coast Guard is operating may (A) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (B) detain at the facility or at the port or place in the United States, any vessel subject to this subsection that, upon request, does not produce the certification required under this subsection or regulations issued hereunder.

(b) The responsible party with respect to each facility shall establish and maintain, in accordance with regulations issued by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 504 of this title. In cases where the responsible party is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to one such facility.

(c) Financial responsibility under this section may be established by any one, or by any combination, of the following methods acceptable to the Secretary: evidence of insurance, surety bond, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(d) Any claim authorized by section 503(a) of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section for any responsible party with respect to a facility or vessel. In defending against such a claim, the guarantor may invoke all rights and defenses which would be available to the responsible party under this title. He may also invoke the defense that the incident was caused by the willful misconduct of the responsible party, but he may not invoke any other defense that he might be entitled to invoke in proceedings brought by the responsible party against him.

(e) Nothing in this title shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceeds in the aggregate the amount of financial responsibility which that guarantor has provided for each responsible party. Nothing in this subsection shall be construed to limit any other statutory, contractual, or common law liability of a guarantor to any responsible party for whom such guarantor provides evidence of financial responsibility including, but not limited to, the liability of such guarantor for negotiating in bad faith a settlement of any claim.

DESIGNATION AND ADVERTISEMENT

SEC. 506. (a)(1) When the Secretary receives information of an incident that involves oil pollution, he shall, where possible and appropriate, designate the source or sources of the oil pollution and shall immediately notify the responsible party and the guarantor, if known, of that designation.

(2) When a source designated is a vessel or facility, and the responsible party or guar-

antor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of the designation, the responsible party or guarantor, as required by regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to such responsible party or guarantor. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, as he finds necessary, and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which claims may be presented to that responsible party or guarantor.

(b) In a case where—

(1) the responsible party and the guarantor both deny a designation in accordance with paragraph (2) of subsection (a) of this section,

(2) the source of the discharge was a public vessel, or

(3) the Secretary is unable to designate the source or sources of the discharge under paragaph (1) of subsection (a) of this section,

the Secretary shall, in accordance with section 507 of this title, advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Trust Fund.

(c) Advertisement under subsection (a) shall commence no later than fifteen days from the date of the designation made thereunder and shall continue for a period of no less than thirty days.

CLAIMS SETTLEMENT

SEC. 507. (a) Except as provided in subsection (b) of this section, all claims shall be presented to the responsible party or guarantor designated under section 506(a) of this title.

(b) Claims may be presented to the Trust Fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 506(b) of this title; or

(2) where the responsible party may assert a claim under section 503(b)(1) of this title.

(c) In the case of a claim presented in accordance with subsection (a) of this section, and in which—

(1) each person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 506(a)(2) of this title, whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Trust Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a) of this section, where full and adequate compensation is unavailable, either because the claim exceeds a limit of liability invoked under section 504 of this title or because the responsible party and his guarantor are financially incapable of meeting their obligations in full, a claim for the uncompensated damages may be presented to the Trust Fund.

(e) In the case of a claim which has been presented to any person under subsection (a) of this section and which is being presented to the Trust Fund under subsection (c) or (d) of this section, that person, at the request of the claimant, shall transmit the claim and supporting documents to the Trust Fund. The Secretary may, by regulation, prescribe the documents to be so transmitted and the terms under which they are to be transmitted.

(f)(1) The Secretary, in consultation with the Trust Fund, shall establish procedures and standards for the prompt appraisal and settlement of claims against the Trust Fund.

(2) The Trust Fund may use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Trust Fund and may contract for those facilities and services.

(3) To the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Trust Fund may use Federal personnel, on a reimbursable basis, to process claims against the Trust Fund.

(g) Any claimant, or any other person suffering legal wrong because of, or adversely affected or aggrieved by, a final determination of the Trust Fund with respect to a claim, may bring an action for judicial review of the determination. Such action shall be brought under section 509 and shall be the exclusive judicial remedy with respect to such final determination of the Trust Fund. Such an action shall be filed not later than thirty days after the Trust Fund issues notification of the final determination. Venue for any such action shall lie in any district wherein the claimant resides, in addition to any district described in section 509(b). The final determination of the Trust Fund shall not be held unlawful or set aside unless the reviewing court finds such determination to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

ACTIONS TO ENFORCE LIABILITY

SEC. 508. (a)(1) In any action brought under this title against a responsible party or guarantor, both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Trust Fund at the same time those pleadings are served upon the opposing parties.

(2) The Trust Fund may intervene as a party as a matter of right in any action in which a complaint has been served upon it under paragraph (1) of this subsection.

(3) In any action to which the Trust Fund is a party, if the responsible party or his guarantor admits liability under this title, the Trust Fund shall be dismissed therefrom to the extent of the admitted liability.

(4) If the Trust Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in paragraph (1) of this subsection, the Trust Fund shall be bound by any judgment entered therein, whether or not the Trust Fund was a party to the action.

(5) If neither the plaintiff nor the defendant serves a copy of the complaint and all subsequent pleadings upon the Trust Fund in an action referred to in paragraph (1) of this subsection, the limitation of liability otherwise permitted by subsection (b) of section 504 of this title is not available to the defendant, and the plaintiff shall not recover from the Trust Fund any sums not paid by the defendant.

(b) In any action brought against the Trust Fund, the plaintiff may join any responsible party or his guarantor, and the Trust Fund may implead any person, who is or may be liable to the Trust Fund.

(c) No claim may be presented, nor may any action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against a responsible party or his guarantor or against the Trust Fund, as to their respective liabilities, within three years from the date of discovery of the economic loss for which a claim may be asserted under subsection (a) of section 503 of this title, or within six years of the date of the incident which resulted in that loss, whichever is earlier.

(d) Any person, including the Trust Fund, who compensates any claimant for an economic loss, compensable under section 503, shall be subrogated to all rights, claims, and causes of action which that claimant has under this title.

(e) In any claim or action by the Trust Fund against any responsible party or guarantor under subsection (d), the Trust Fund shall recover—

(1) for a claim presented to the Trust Fund (where there has been a denial of source designation) under section 507(b)(1), or (where there has been denial of liability) under section 507(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 504(b), the amount the Trust Fund has paid to the claimant, without reduction;

(B) interest on that amount, at the rate calculated in accordance with section 504(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the Trust Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Trust Fund shall offer to the claimant the amount finally paid by the Trust Fund to the claimant in satisfaction of the claim against the Trust Fund to the date upon which the claimant shall accept that offer, inclusive;

(C) all costs incurred by the Trust Fund by reason of the claim, both of the claimant against the Trust Fund and the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; and

(2) for a claim presented to the Trust Fund under section 507(c)(2)—

(A) in which the amount the Trust Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the Trust Fund has paid to the claimant;

(ii) interest, at the rate calculated in accordance with section 504(e), for the period specified in paragraph (1)(B) of this subsection; and

(iii) all costs incurred by the Trust Fund by reason of the claim of the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; or

(B) in which the amount the Trust Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the Trust Fund has paid to the claimant, without reduction;

(ii) interest, at the rate calculated in accordance with section 504(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause, except that if the defendant ten-

dered the offer of the largest amount referred to in this subparagraph within sixty days after the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced under section 506, the defendant shall not be liable for interest for that period; and

(iii) interest from the date upon which the claim of the Trust Fund against the defendant was presented to the defendant to the date upon which the Trust Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Trust Fund the amount finally paid to the Trust Fund in satisfaction of the claim of the Trust Fund to the date upon which the Trust Fund shall accept that offer, inclusive.

(f) The Trust Fund shall pay over to the claimant that portion of any interest the Trust Fund shall recover, under subsections (e)(1) and (e)(2)(A) for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Trust Fund, inclusive, less the period from the date upon which the Trust Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(g) The Trust Fund is entitled to recover for all interest and costs specified in subsection (e) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 509. (a) The United States district courts shall have exclusive original jurisdiction over all controversies arising under subtitles A, B, and C of this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) Unless otherwise provided in this Act, venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this section, the Trust Fund shall reside in the District of Columbia.

RELATIONSHIP TO OTHER LAW

SEC. 510. (a) Except as provided in this title—

(1) no action may be brought in any court of the United States, or of any State or political subdivision thereof, for an economic loss compensable under this title,

(2) no person may be required to contribute to any fund, the purpose of which is to compensate for damages for an economic loss described in section 503(a), except that, for a period of three years beginning on the effective date of this section, any State which on the effective date of this section has in effect a statute that requires such contributions may continue to require such contributions within the limits established by such statue as those limits exist on such date, and

(3) no person may be required to establish or maintain evidence of financial responsibility relating to the satisfaction of a claim compensable under this title.

(b) Nothing in this Act shall preclude any State from imposing a tax or fee upon any person or upon oil in order to finance the purchase and prepositioning of oil pollution cleanup and removal equipment or to finance other preparations for responding to a discharge of oil which affects such State.

(c) Nothing in subsection (a) shall prohibit an action by the Trust Fund under any other provision of law to recover compensation paid under this title.

PENALTIES

SEC. 511. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 505 of this title or the regulations issued thereunder or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 512. There are authorized to be appropriated for those fiscal years which begin on or after October 1, 1984, such sums as may be necessary to carry out this Act.

Subtitle B—Comprehensive Oil Pollution Liability Trust Fund

ESTABLISHMENT OF THE COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

SEC. 513. (a) The Comprehensive Oil Pollution Liability Trust Fund is established as a nonprofit corporate entity. The Trust Fund shall consist of—

(1) fees paid into the Trust Fund under section 514,

(2) amounts recovered or collected on behalf of the Trust Fund under Subtitle A of this Act, and

(3) amounts transferred to the Trust Fund under sections 521(f) and 521(g) of this Act.

(b) The Trust Fund shall be administered by a Board of Directors under regulations prescribed by the Secretary.

(c)(1) The Board of Directors shall consist of nine voting directors appointed by the Secretary as follows—

(A) three shall be representatives of persons who are liable for fees imposed under this title;

(B) three shall be individuals (including, but not limited to, representatives of any State or political subdivision thereof) who are potential claimants under paragraph (2), (4), or (5) of section 503(b) of this Act; and

(C) three shall be individuals from the general public, who are not eligible for appointment under subparagraph (A), and who have particular expertise, knowledge, and experience in the field of oil spill liability and compensation (including, but not limited to, environmental or labor representatives or guarantors).

(2) Not more than five voting directors shall be members of any one political party. All directors shall be citizens of the United States.

(3) The term of office of each director shall be six years, except that of the directors first appointed three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be appointed for terms of six years. Any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of that term.

(4) The Secretary or his delegate shall serve as a nonvoting member of the Board of Directors.

(5) The levels of compensation of the Board of Directors shall be fixed initially by the Secretary and may be adjusted from time to time upon recommendation by the Board of Directors and concurrence of the Secretary. Any member of the Board of Directors who is an officer or employee of the United States, and any other member of the Board of Directors who is prohibited by the terms of his employment from receiving additional compensation, shall receive no additional compensation on account of that member's service on the Board of Directors.

(6) Any director may be removed from office by the Secretary only for neglect of duty, malfeasance in office, or incompetence, or if the director no longer qualifies to be a director under paragraph (1).

(7) The Board of Directors shall meet at least once a year. A majority of the voting members of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of the voting members of the Board of Directors.

(8) All meetings of the Board of Directors held to conduct official business of the Trust Fund shall be open to public observation and shall be preceded by reasonable public notice. The Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information the premature disclosure of which would be likely to lead to speculation in investments of the Trust Fund; or

(B) information which is likely to adversely affect financial or securities markets or institutions.

(9) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) and (B) of paragraph (7) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be withheld under the provisions of subparagraphs (A) and (B) of paragraph (7).

(d)(1) The Board of Directors shall appoint a chief executive officer of the Trust Fund who shall be responsible for the administration of the Trust Fund.

(2) The Board of Directors shall—

(A) establish the offices and appoint the officers of the Trust Fund and define their duties;

(B) fix the compensation of individual officer positions and categories of other employees of the Trust Fund taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code for comparable positions or categories. If the Board of Directors determines that is is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the Secretary its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day

following the transmittal of such recommendations unless the Secretary has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(C) provide a system of organization to fix responsibility and promote efficiency.

(3) Except as specifically provided herein, directors, officers, and employees of the Trust Fund shall not be subject to any law of the United States relating to governmental employment.

(4) The chief executive officer shall appoint such employees as may be necessary for the transaction of the Trust Fund's business to, and may discharge such employees from, positions established in accordance with this section.

(5) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Trust Fund, except as provided in subsection (c)(1) of this section.

(6) The Board of Directors may provide for reimbursement of directors, officers, and employees for travel expenses and per diem.

(e) The Trust Fund and its income and property shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, or local taxing authority, except that—

(1) any real property owned in fee by the Trust fund shall be subject to State, territorial, county, municipal, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof; and

(2) the Trust Fund and its employees shall be subject to any nondiscriminatory payroll and employment taxes intended to finance benefits based upon employment (such as social security and unemployment benefits) to the same extent as any privately owned corporation.

(f) The Trust Fund shall have the power to sue and be sued in its own name and to exercise all other lawful powers necessarily or reasonable related to the establishment of the Trust Fund and the exercise of its functions and duties under this Act.

(g)(1) The Trust Fund shall have an independent annual audit prepared in accordance with generally accepted accounting principles.

(2) Not later than one hundred and twenty days after the end of each fiscal year of the Trust Fund, the Trust Fund shall submit to the Congress and the Secretary an annual report containing the audit prepared under paragraph (1) and information regarding the organization, procedures, and activities of the Trust Fund during the preceding fiscal year.

(h) The principal office of the Trust Fund shall be located in the District of Columbia.

(i) Except to the extent expressly provided herein, the Trust Fund shall not be deemed to be an agency of the United States or an instrumentality of the United States.

(j) This title shall be considered the articles of incorporation for the Trust Fund.

FUND COLLECTIONS

SEC. 514. (a) A fee of 1.3 cents a barrel shall be paid into the Trust Fund by the owner of—

(1) oil received at a United States refinery;

(2) oil entered into the United States for consumption, use, or warehousing; and

(3) oil produced from a well located in the United States which is used in or exported from the United States.

(b) The Secretary, in consultation with the Trust Fund, shall by regulation establish procedures for the collection of the fee imposed by subsection (a).

(c) The fee imposed by subsection (a) shall only be in effect during those times when the amount in the Trust Fund (including the value of any securities held by the Trust Fund pursuant to section 515(b)) is less than $200,000,000.

(d) No fee shall be collected under this section with respect to any oil if the person who would be liable for the fee established that a prior fee has been imposed by this section with respect to that oil.

(e) The Trust Fund may bring an action in the district court of the United States for the collection of any fee required to be paid under this section.

(f) Any person who fails to collect or pay any fee as required by this section shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of Transportation, in addition to the fee required to be collected or paid and the interest on such fee in an amount equal to the amount such fee would have earned if collected or paid when due and invested in accordance with subsection (b) of section 515. Upon the failure of any person so liable to pay any penalty, fee, or interest upon demand, the Attorney General may, at the request of the Secretary of Transportation, bring an action in the name of the Fund against that person for such amount.

TRUST FUND DISBURSEMENT AND INVESTMENT

SEC. 515. (a) The Trust Fund shall be available, subject to appropriations, for the purposes of—

(1) immediate payment of removal costs described in section 501(b)(24)(A) and of reasonable costs incurred by the trustee under section 503(a)(3) in assessing damaged natural resources and preparing a restoration and acquisition plan with respect to the damaged natural resources;

(2) the payment of claims under Subtitle A of this Act for damage which is not otherwise compensated;

(3) the costs of administration of this Act; and

(4) the payment of initial and annual contributions to the International Fund in accordance with section 525 of this Act.

(b) All sums not needed for purposes of subsection (a) shall be invested prudently in income producing securities approved by the Secretary in accordance with regulations issued by the Secretary. Income from these securities shall be added to the principal of the Trust Fund, except that whenever the amount in the Trust Fund (including the value of such securities) exceeds $300,000,000, the amount of any income from such securities shall be rebated, subject to appropriations, on a pro rata basis to the owners of the oil who contributed fees to the Trust Fund. If any owner no longer exists or income cannot otherwise be rebated after due diligence to do so, the income shall be retained by the Trust Fund.

LIMITATION ON PAYMENT OF CLAIMS BY THE TRUST FUND

SEC. 516. (a) No amount in the trust Fund may be used to pay any claim, other than a claim for removal costs, to the extent that the payment of that claim would reduce the amount in the Trust Fund to an amount less than $30,000,000.

(b) If at any time the Trust Fund is unable by reason of subsection (a) to pay all of the claims, other than for removal costs, payable at that time, those claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined. Subject to approval of the Secretary, the Trust Fund may borrow amounts from any commercial credit source, at the best available terms, for purposes of paying such claims in such order.

(c) The liability of the Trust Fund under this Act with respect to one incident shall not exceed $100,000,000. If the Trust Fund is unable by reason of the preceding sentence to pay all claims with respect to the incident, the claims shall be reduced proportionately.

ANNUAL AUDIT REVIEW

SEC. 517. The Comptroller General shall review the audit required by section 513(g)(1) and shall submit a report of its review to Congress.

COORDINATION WITH OTHER PROVISIONS OF THIS ACT

SEC. 518. (a) If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to the Trust Fund, any claim which arises before October 1, 1984 (to the extent such claim would have been payable out of the transferor fund), shall be payable, subject to appropriations, out of the Trust Fund notwithstanding any of the limitations imposed by this title.

(b)(1) If the Secretary or his delegate determines that there is a TAP fund deficit, the fee imposed by section 514(a) on oil first transported through the Trans-Alaska Pipeline after the date of such determination shall be increased by 2 cents per barrel until the total amount of the increased fee equals such deficit.

(2) For purposes of paragraph (1) of this subsection, the term "TAP fund deficit" means the excess (if any) of—

(A) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund under section 521(b)(2) of this Act, over

(B) the total amount of the assets of the Trans-Alaska Pipeline Liability Fund as of the effective date of this section.

DEFINITIONS AND SPECIAL RULES

SEC. 519. (a) For purposes of this title, the term "United States" includes the outer Continental Shelf and any foreign trade zone of the United States.

(b) In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at the refinery at the time so produced.

(c) In the case of a fraction of a barrel, the fee imposed by section 514(a) of this title shall be the same fraction of the amount of the fee imposed on a whole barrel.

Subtitle C—Regulations, Effective Dates, and Savings Provisions

EFFECTIVE DATES

SEC. 520. (a) This section, section 501, section 502, section 512, subtitle B (other than section 514 (a), (c), (d), (e), and (f), section 515, and section 516), section 522, and each provision subtitle A that authorizes the promulgation of regulations shall be effective on the date of the enactment of this Act.

(b) Subtitle D shall take effect on the first date on which both the International Convention on Civil Liability for Oil Pollution

Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States.

(c) All other provisions of subtitles A through D and the regulations issued thereunder, shall be effective on the one hundred and eightieth day after the date of enactment of this Act, except that the penalty prescribed by section 511 for failure to comply with the requirements of section 505 or the regulations issued thereunder shall not be effective until the ninetieth day after issuance of those regulations of the two hundred and seventieth day after the date of enactment of this Act, whichever is earlier.

(d) Any regulation respecting financial responsibility, issued pursuant to any provision of law repealed by section 521 of this title, and in effect on the day immediately preceding the effective date of section 521 of this title shall remain in force until superseded by regulations issued under subtitle A of this Act.

CONFORMING AMENDMENTS

SEC. 521. (a) The first sentence of subsection (b) of section 204 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C 1653(b); 87 Stat. 586) is amended by inserting "in the State of Alaska" after "any area" and by inserting "related to the trans-Alaska oil pipeline" after "any activities". Such subsection is further amended by inserting at the end thereof the following new sentence: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act.".

(b)(1) Subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act is repealed. All assets of the Trans-Alaska Pipeline Liability Fund, as of the effective date of this section, except for assets equal to the total amount of claims certified by the Secretary under paragraph (2) of this subsection, shall be rebated, subject to appropriations, directly to the operator of the trans-Alaska oil pipeline for payment on a pro rata basis to the owners of the oil at the time it was loaded on the vessel. The Comprehensive Oil Pollution Liability Trust Fund shall assume all liability incurred by the Trans-Alaska Pipeline Liability Fund under terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and shall assume all liability incurred by the officers or trustees in the execution of their duties involving the Trans-Alaska Pipeline Liability Fund, other than the liability of those officers or trustees for gross negligence or willful misconduct.

(2) The Secretary of the Interior shall certify to the Secretary of the Treasury the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund not later than one hundred and eighty days after the effective date of this section. In the event that the total amount of the actual claims settled is less than the total amount of the outstanding claims certified, the difference between these amounts shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment, on a pro rata basis, to the owners of the oil at the time it was loaded on the vessel.

(c) Section 17 of the Intervention on the High Seas Act (33 U.S.C. 1486; 88 Stat. 10) is amended to read as follows:

"SEC. 17. The fund established under Subtitle B of the Comprehensive Oil Pollution Liability and Compensation Act shall be available to the Secretary for actions and activities relating to oil pollution (as defined in section 501(b) of that Act) taken under section 5 of this Act. The fund established under section 311(k) of the Federal Water Pollution Control Act shall be available for actions and activities relating to other pollution taken under section 5 of this Act.".

(d) Section 31 of the Federal Water Pollution Control Act is amended as follows:

(1) Subsection (a) is amended by striking out the period at the end of paragraph (17) and inserting in lieu thereof a semicolon and the following new paragraph:

"(18) 'person in charge' means the individual immediately responsible for the operation of a vessel or facility.".

(2) Paragraph (5) of subsection (b) is amended in the last sentence by inserting after "person" the following: "or his employer".

(3) Subparagraph (A) of paragraph (6) of subsection (b) is amended—

(A) in the first and second sentences, by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge"; and

(B) in the third sentence, by striking out "the owner or operator" and inserting in lieu thereof "whoever being".

(4) Subparagraph (B) of paragraph (6) of subsection (b) is amended in the first and second sentences by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge".

(5) Subsection (c)(2)(H) is amended by striking out "from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal" and inserting in lieu thereof the following: "for the reasonable costs incurred in such removal (i) from the fund established under section 513 of the Comprehensive Oil Pollution Liability and Compensation Act in the case of any discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, or from a facility (as defined by subtitle A of such Act or (ii) from the fund established under subsection (k) of this section in any other case".

(6)(A) Subsection (d) is amended by inserting immediately before the last sentence the following: "Any expense incurred under this subsection or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof) as the result of the discharge or imminent discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, shall be reimbursed from the fund established under section 513 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(B) Subsection (d) is further amended by striking out "Any" in the last sentence and inserting in lieu thereof "Any other".

(7) Subsection (f)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(8) Subsection (f)(3) is amended by inserting "(other than a facility as defined by section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(9)(A) The first sentence of subsection (g) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the second place it appears, by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(B) The second sentence of subsection (g) is amended by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(C) The third sentence of subsection (g) is amended by inserting "such" before "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(10)(A) Subsection (i)(1) is amended by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(B) Subsection (i)(2) is repealed and paragraph (3) of subsection (i) (and all references thereto) is redesignated as paragraph (2).

(11) Subsection (p)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears.

(e) The Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.; 88 Stat. 2126) is amended as follows:

(1) Section 4(c)(1) is amended by striking out "section 18(l) of this Act" and inserting in lieu thereof "section 505 of the Comprehensive Oil Pollution Liability and Compensation Act".

(2) Subsections (b), (d), (e), (f), (g), (h), (i), (j), (l), and (n) of section 18 are repealed.

(3) Paragraph (3) of subsection (c) of section 18 is amended by striking out "Deepwater Port Liability Fund established pursuant to subsection (f) of this section." and inserting in lieu thereof "fund established under subtitle B of the Comprehensive Oil Pollution Liability and Compensation Act.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated as subsections (b), (c), and (d), respectively.

(f) Any amounts remaining in the Deepwater Port Liability Fund established by section 18(f) of the Deepwater Port Act of 1974 shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by subtitle B of this Act. The Trust Fund shall assume all liability incurred by the Deepwater Port Liability Fund under the Deepwater Port Act of 1974.

(g) Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372) is repealed. Any amounts remaining in the Offshore Oil Pollution Compensation Fund established under section 302 of that title shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by subtitle B of this Act. The Trust Fund shall assume all liability incurred by the Offshore Oil Pollution Compensation Fund under title III of the Outer Continental Shelf Lands Act Amendments of 1978.

SEPARABILITY

SEC. 522. In any provision of this Act or the applicability thereof is held invalid, the

remainder of this Act shall not be affected thereby.

Subtitle D—Implementation of Conventions

RECOGNITION OF THE INTERNATIONAL FUND

SEC. 523. The International Oil Pollution Compensation Fund (hereinafter in this title referred to as the "International Fund") established by article 2 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (hereinafter in this title referred to as the "International Fund Convention") is recognized under the laws of the United States as a legal person and shall have the capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be a party to legal proceedings. The Director of the International Fund is recognized as the legal representative of the International Fund. The Director shall be deemed to have appointed irrevocably the Secretary of State his agent for service of process in any action against the International Fund in any court in the United States.

SERVICE OF PROCESS AND INTERVENTION

SEC. 524. (a) In any action brought in a court in the United States against the owner of a ship or his guarantor under the International Convention of Civil Liability for Oil Pollution Damage (hereinafter in this title referred to as the "Civil Liability Convention"), the plaintiff or defendant, as the case may be, shall serve a copy of the complaint and any subsequent pleading therein upon the International Fund and the Comprehensive Oil Pollution Liability Trust Fund at the same time the complaint or other pleading is served upon the opposing parties.

(b) The International Fund may intervene as a party as a matter of right in any action brought in a court in the United States against the owner of a ship or his guarantor under the Civil Liability Convention.

(c) If the International Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in subsection (a) of this section, the International Fund shall be bound by any judgment entered therein, whether or not the International Fund was a party to the action.

EXEMPTION FROM TAXATION

SEC. 525. The International Fund and its assets shall be exempt from all direct taxation in the United States.

PAYMENT OF CONTRIBUTIONS

SEC. 526. The amount of any initial or annual contribution to the International Fund which is required to be made under article 10 of the International Fund Convention by any person with respect to oil received in any port, terminal installation, or other installation located in the United States shall be paid to the International Fund by the Comprehensive Oil Pollution Liability Trust Fund. Before the International Fund Convention enters into force with respect to the United States, the President shall make, and deposit with the Secretary-General of the International Maritime Organization, a declaration under article 14 of the International Fund Convention that the United States assumes the obligation to pay contributions under article 10 of such Convention in respect of oil received within the territory of the United States and that such amount will be paid from the Comprehensive Oil Pollution Liability-Trust Fund.

JURISDICTION OF DISTRICT COURTS

SEC. 527. (1) The United States district courts shall have exclusive original jurisdiction of—

(1) all controversies arising in the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, and

(2) all controversies arising outside of the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, from an incident which causes damage in the territory of the United States, including the territorial sea,

without regard to the citizenship of the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this subsection, the International Fund shall reside in the District of Columbia.

RECOGNITION OF JUDGMENTS

SEC. 528. Any final judgment of a court of any nation which is a party to the Civil Liability Convention or the International Fund Convention in an action for compensation under either such convention shall be recognized by any court of the United States or of a State when that judgment has become enforceable in such nation and is no longer subject to ordinary forms of review, except where—

(1) the judgment was obtained by fraud; or

(2) the defendant was not given reasonable notice and a fair opportunity to present his case.

FINANCIAL RESPONSIBILITY

SEC. 529. (a) The owner of each ship which is documented under the laws of the United States and is carrying more than two thousand tons of oil in bulk of cargo shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The Secretary shall issue a certification to each such owner who complies with this paragraph, in the form and manner required by the Civil Liability Convention.

(b) With respect to any ship owned by the United States, the Secretary shall issue a certificate stating that the ship is owned by the United States and that the ship's liability is covered within the limits of liability prescribed by the Civil Liability Convention.

(c) The owner of each ship (other than a ship to which subsection (a) or (b) applies), wherever registered, which is carrying more than two thousand tons of oil in bulk as cargo and which enters or leaves a port or offshore terminal in the United States (including the territorial seas) shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The owner of a ship which is registered in, or flying the flag of, a nation which is a party to the Civil Liability Convention shall be considered to have met the requirements of this paragraph if the ship is carrying a certificate issued by such nation attesting that insurance or other financial security is in force which meets the requirements of such Convention.

(d) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any ship which does not have a certificate showing compliance with the requirements of financial responsibility under subsection (a) or (c) of this section.

(e) The Secretary of the department in which the Coast Guard is operating may (1) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (2) detain at the facility or at the port or place in the United States, any vessel subject to this section that, upon request, does not produce the certificate required under this section or regulations issued hereunder.

(f) Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of this section or the regulations issued under this section or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions any civil penalty which is subject to imposition or which has been imposed under this subsection. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

WAIVER OF SOVEREIGN IMMUNITY

SEC. 530. The United States waives all defenses based on its status as a sovereign State with respect to any controversy arising under the Civil Liability Convention or the International Fund Convention relating to any ship owned by the United States and used for commercial purposes.

DEFINITION OF FRANC

SEC. 531. Notwithstanding any provision of the Civil Liability Convention or the International Fund Convention to the contrary, one franc equals one-fifteenth of a special drawing right, as defined by the International Monetary Fund, for purposes of applying such conventions.

RULES AND REGULATIONS

SEC. 532. The Secretary may issue such rules and regulations as are necessary to implement the Civil Liability Convention and the International Fund Convention.

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Chairman, I would say about this amendment that the amendment clearly speaks for itself.

The second phrase that comes to mind is that silence is golden.

This amendment simply adds another title to the Superfund legislation. That title consists of legislation that has previously passed the House on two separate occasions and has been adopted by the Senate on one separate occasion.

The administration has testified in favor of the legislation.

I would be remiss if I did not add the names of Chairman WALTER JONES and Chairman BIAGGI of our Merchant Marine and Fisheries Committee; Congressman STUDDS and Congressman SNYDER and Congressman YOUNG of Alaska, and also the members of the Public Works Committee who have done so much in bringing this legislation to the floor.

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Without it, the Superfund does not cover oil spills except in a very limited way. This covers oil spills with the addition of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of this amendment for an oil spill provision.

It has been nearly a decade now that I and others in the House have been working for legislation which would establish a general system of liability and compensation for damages caused by oil pollution. The need is well known for a uniform law to protect property and natural resources, particularly along the coastline of our Nation. I can assure you that in this regard it is a critical concern to my State of Alaska, which has more coastline than the lower 48.

Last session, the Merchant Marine and Fisheries Committee worked on legislation which resulted in the introduction of H.R. 3278, which provides for cleanup and for the compensation of damaged parties. Many of the provisions included were important to the States. These include no preemption on the use of a State's cleanup fund, recovery for loss or damage to natural resources including subsistence use, adequate cleanup, and the proper transition between all the current Federal laws we have and the proposal. In addition, it contains provisions to exclude natural seepage from coverage and include the implementation of recently negotiated international conventions dealing with liability and a compensation fund.

I am disappointed that the rebate from the TAPS fund and the private fund set up by this amendment have been made subject to the appropriations process. Each of the funds is a private fund and I fear that this provision requiring Congress to appropriate money out of a private fund without compensation will not pass a constitutional test. However, neither one of these provisions is sufficient reason for us not to take action today.

Final adoption of comprehensive oil spill legislation has been delayed for too long. The legislation is needed to unify and simplify the law in this area and to provide a greater benefit to those who would be victimized by oil spills while easing the burden of those who would be regulated by any number of existing Federal and State statutes.

I commend the gentleman for offering this important amendment and urge my colleagues to support it.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New York, the chairman of the subcommittee.

Mr. BIAGGI. Mr. Chairman, I am in strong support of this amendment. Enactment of a comprehensive oil pollution liability and compensation act is long overdue.

This legislation had its genesis in 1976—right after the disastrous *Argo Merchant* grounding off Cape Cod. Fortunately, the oil dispersed at sea, and little environmental damage to our coastline resulted. This opened our eyes, and a two-pronged effort was developed within the committee I chaired, the Subcommittee on Coast Guard and Navigation.

One effort was directed at tanker safety which resulted in the enactment of the Port Safety and Tank Vessel Act of 1978. Recognizing that human error cannot ever be eliminated, I proposed a comprehensive oil pollution liability and compensation scheme for those who become victimized by oil spills. On September 12, 1977, during the 95th Congress, by a recorded vote of 332 to 59, the House passed H.R. 6803, but it was not acted upon by the Senate.

During the 96th Congress, in September 1980, I was able to bring a similar bill to the House floor. H.R. 85 was passed by a recorded vote of 288 to 11. However, it failed of enactment due to two other areas of environmental concern—spills of hazardous substances and abandoned hazardous waste dump sites. Though I felt that the oil pollution and hazardous substances pollution issues should be handled separately, they were joined into one bill. The Senate then took the most important hazardous substances spill provisions from the amended H.R. 85, that contained both oil and hazardous substances provisions, and combined them with the hazardous waste dump site provisions of H.R. 7020. In a spirit of compromise and in the national interest, I agreed to support the revised version of H.R. 7020 that did not contain my oil spill provisions. During the waning days of the 96th Congress, H.R. 7020 was adopted by the Congress and signed into law on December 11, 1980 as Public Law 96-510.

During the next Congress, the 97th, I again introduced a comprehensive oil pollution liability and compensation bill in the form of H.R. 85. I used the same number to remind my colleagues of the promise made to move on oil pollution right after hazardous substances pollution legislation was in place. Since January 1981, the Honorable GERRY STUDDS, the new chairman of the Subcommittee on Coast Guard and Navigation, moved rapidly and effectively and, by May 1981 he was able to get this legislation reported to the House. Due to pressing problems within other committees having joint jurisdiction, this legislation was not acted upon.

I want to compliment the gentleman from Massachusetts—the Honorable GERRY STUDDS—for never giving up the fight to see to the enactment of this landmark legislation. He continued the leadership role in oil pollution compensation. In his zeal to see to its enactment, he has agreed to a number of compromises that I believe should be acceptable to all interested parties.

Once again, during the early days of this Congress, legislation was introduced in the form of H.R. 2222, a bill similar to prior bills. This served as the original focus of committee consideration that led to a compromise measure in the form of H.R. 3278. It is our best effort. It is an acceptable compromise. It is what is before us today.

For many years, this legislation had strong administration support. About 3 years ago, however, the administration reversed its position and opposed the legislation, for reasons that were incomprehensible to those of us familiar with the subject. Fortunately, the administration has now seen the light and is again in strong support of this legislation.

I have briefly discussed the history of this legislation so that Members will know that it has been long and carefully considered. That extensive study has resulted in the amendment we are now considering. The amendment is consistent with the bill that was reported out unanimously by the Merchant Marine and Fisheries Committee just over 1 year ago and which is the end product of over 10 years of work by several committees in both Houses of Congress.

We now have an excellent chance to complete that work and provide the Nation with a comprehensive system of liability and compensation for damage caused by oil pollution. We have an opportunity to ensure that those who suffer economic loss as a result of oil pollution will be adequately compensated. We also have, through this legislation, an opportunity to encourage a high standard of

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care in oil-related operations and to make sure that those responsible for pollution will be held responsible for the costs of cleanup and compensation of victims.

This long overdue legislation deserves the strong support of all Members.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Florida.

Mr. HUTTO. As you know, many of the States have their own oilspill funds and in our Merchant Marine and Fisheries Committee, when this legislation was passed, there was some protection for the State fund for a period of time. Can the gentleman from Louisiana tell me if his amendment provides for that kind of protection?

Mr. BREAUX. I will say that the gentleman from Florida is correct and this is the same provision as was passed out of the Merchant Marine and Fisheries Committee.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I join in commending the gentleman from Louisiana for his leadership in introducing this amendment.

Mr. Chairman, as a strong supporter and cosponsor of legislation to provide a comprehensive system of liability and compensation for oilspill damage and removal costs, I rise in support of this amendment.

This legislation is long overdue. The House has passed it twice in the past, and the Senate also has acted favorably on a similar pollution protection measure. I hope we are headed for success this year.

The need for a comprehensive system of liability and compensation for damage caused by oil pollution is clear. Several separate Federal funds presently exist to deal with catastrophic oilspills, and a hodgepodge of State and Federal laws governing spills has resulted in legal and procedural uncertainties, lack of timely compensation and many unreimbursed cleanup expenses.

Mr. Chairman, we can delay no longer on this important legislation. I hope that this, the 98th Congress, will be marked as one which successfully responded to the pressing need for comprehensive oil pollution liability legislation. I urge that the amendment be approved.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I rise in strong support of the amendment.

The amendment offered by the gentleman from Louisiana has a long history, the details of which I will not recount here today. Suffice it to say that the work product represented by the amendment reflects a decade of effort to balance the interests of those who might someday be responsible for spilling oil and those who might someday suffer economic loss as the result of such a spill. I have participated in the debate surrounding this legislation since 1974, when competing oil liability bills were introduced by the gentleman from New York [Mr. BIAGGI] and myself. I have heard objections from time to time about particular parts of the bill from environmentalists, State governments, administration witnesses, and the oil industry. Those objections were always based, however, on the feeling that the legislation could—from their perspective—be improved. But no witness—I repeat, no witness—has ever proven the case, or even really attempted to prove the case, that this legislation would leave us less well off than we are today.

Current oil pollution liability and compensation laws are duplicative, inequitable, bureaucratically wasteful, and riddled with loopholes so wide you could steer a Liberian tanker right through them.

If this amendment is so good, the question arises as to why it has not yet become law. There are a number of answers to that question, not the least of which has been jurisdictional complications in the other body. But the most basic reason, I think, is that over the past few years, many have become complacent about the threat posed by oilspill pollution damage. The Tanker Safety Act of 1978, put forward by our committee, has helped reduce oil pollution in U.S. waters by 50 percent since the end of the last decade. There has also been a major, understandable shift in focus to the extraordinary threat to health and the environment posed by spills or leaks of hazardous substances. But complacency with respect to oilspills is a mistake. The recent spill along the Texas gulf coast should serve as a reminder that the threat of catastrophic damage to areas dependent on tourism, or to parts of the coast which serve as spawning grounds or shellfish beds, does exist. It is worth recalling that claims stemming from the grounding of the *Amoco Cadiz* off the French coast in 1978 have reached several billion dollars.

The amendment offered by the gentleman from Louisiana reflects the work of a coalition determined to increase protection for those who live and work along the coasts, while treating equitably those whose responsibility it is to produce and transport oil. We were determined, as well, to develop an approach that would be administratively efficient, and that would balance in a fair manner the differing responsibilities of the Federal and State governments, while encompassing the need for an international perspective on these issues, as well. I believe that we have succeeded—through the efforts of Representatives whose constituencies are as diverse as those of the gentleman from Louisiana, the gentleman from Alaska, the gentleman from North Carolina, the gentleman from New York [Mr. BIAGGI] and myself. I believe that this effort deserves the support of the House, and I am hopeful that it will at long last prevail in the other body, as well.

For the purpose of establishing a clear record with respect to the scope and purpose of the amendment offered by Mr. BREAUX, I would like to point out that the amendment will improve upon current law in the following respects:

First, it guarantees that those suffering economic loss as the result of an oil spill from a vessel or offshore facility will be quickly and fairly compensated for the loss, whether or not the spiller accepts liability or admits negligence in connection with the discharge of oil;

Second, it imposes a concept of strict liability on those producing or transporting oil in order to encourage a high standard of care in oil-related operations, and makes certain that those responsible for pollution will be held primarily responsible for the cost;

Third, it encourages prompt and complete cleanup of oil spills from vessels or offshore facilities, including relatively chronic pollution, such as that caused by tar balls;

Fourth, it reduces the cost to the taxpayer of cleaning up oil spills by creating an industry-financed fund to be available to reimburse the Government for cleanup activities not otherwise compensated;

Fifth, it simplifies and reduces Federal administrative costs by eliminating three single-purpose oil pollution liability funds presently in existence and replacing them with a single fund;

Sixth, it establishes a clear and predictable legal and regulatory framework within which actual or potential claimants, spillers, and insurers will be able to make decisions relevant to oil pollution matters;

Seventh, it encourages the United States to participate in efforts to amend and improve international standards of oil pollution liability and compensation; and

Eighth, it eliminates certain provisions of the Outer Continental Shelf Lands Act Amendments of 1978 which distort traditional methods of allocating pollution liability within the offshore oil production industry.

Approximately 11,000 oil pollution incidents occur in U.S. waters every year, spilling from 10 to 14 million gallons of petroleum into the marine environment. Many of these spills are so small that no Federal response is war-

ranted, and no damages are caused. Since 1972, however, the Coast Guard has responded to approximately 10,000 spills, totaling more than 38,000,000 gallons of oil.

The Coast Guard's response is authorized by the Federal Water Pollution Control Act [FWPCA]. The fund created by section 311(k) of that act consists of appropriated money used to finance cleanup activities. Theoretically, the Coast Guard can recover its expenditures by taking legal action, or by negotiating informally with those responsible for the pollution. Unfortunately, cost recovery efforts have been hampered by the limits on liability which are contained in FWPCA, by the unknown source of some spills, and by the delays, compromises, and procedural problems associated with most formal legal actions. Since the 311(k) fund was created, the Coast Guard has spent almost $125 million cleaning up oilspills, but has been able to recover only $54 million.

The difficulty of recovering cleanup costs had led to a reluctance on the part of the Coast Guard to commit section 311(k) money to clean up oil spills in other than dramatic or emergency situations.

Many State officials have complained about the difficulty of getting Federal funds to assist in local cleanup operations, and several States have, as a result, developed their own revenue sources for responding to pollution incidents. Under the amendment, Federal cleanup efforts would be reimbursed by the trust fund, which is financed not by the taxpayer, but by a 1.3 cent a barrel fee imposed on oil. If the person responsible for the spill cannot be found, or is able to limit his liability, the trust fund, not the taxpayer, would be available to pick up the bill. Present law, however, does not provide any assurance that those suffering economic loss as the result of an oil spill will be able to receive compensation for their loss.

Claimants other than the Federal Government are now in a particularly bad position. Unless they are able to prove that the spill resulted from negligence on the part of the owner or operator, no recovery of damages is likely. Even if negligence is proven, individual claimants may not be able to recover for damages to natural resources, due to common law interpretations of those damages for which compensation may be required. In any event, prolonged legal wrangling is almost inevitable with respect to any substantial spill in which the extent of fault and the scope of damages are not clear cut.

Under the amendment, all claimants, whether governmental or individual, will have the option of negotiating with the spiller or of submitting a claim to the newly created trust fund. In all except the most extreme circumstances, a claimant will be able to recover in full for a broad list of clearly spelled out damages. He will be able to recover, moreover, regardless of whether the negligence of the responsible party resulted in the oil pollution incident. There will also be a guarantee, through the requirement that a potential spiller possess adequate insurance, or other evidence of financial responsibility, that the person liable for damages will have the resources necessary to compensate claimants or, by subrogation, the trust fund, for damages and costs incurred.

The system established by the amendment will permit claimants to have a clear understanding of their rights, and a guarantee that their claims will be promptly and fairly considered. The oil transportation and offshore production industries will know, in advance, the potential pollution liability to which they may be exposed, and will be required to have insurance or financial guarantees to cover that cost. The Federal taxpayers will be spared administrative and pollution cleanup costs they are currently required to bear, and all concerned will have the benefit of operating under uniform standards of liability, damage definitions, insurance requirements, and claims settlement procedures.

This legislation also provides for the coordination of the Federal and State governmental approaches to the problem of oil spill liability. Unlike previous versions of this legislation, the amendment only prescribes pollution liability rules for vessels and offshore facilities. All vessels are included because of the interstate nature of the waterborne petroleum transportation trade, and because spills into the navigable waters may likely cause damage in more than 1 State. In addition, facilities which operate beyond State jurisdiction, on the Outer Continental Shelf, or pursuant to a license issued under the Deepwater Port Act, are also clearly a Federal responsibility. Facilities located wholly on land or in State waters are not included within the scope of this bill.

This legislation will prohibit State governments from imposing financial responsibility requirements or liability limits which exceed those spelled out in the amendment, for those vessels and facilities covered by the bill. In addition, State governments will be prohibited from requiring any person to contribute to a fund whose purpose is to compensate for an economic loss described in section 503(a) of the amendment, subject to a 3½-year grace period for those States with existing tax or fee mechanisms of this type. In addition, State and local courts would no longer have jurisdiction over lawsuits for an economic loss compensable under subtitle A. Beyond these limitations, however, State governments will be permitted to establish whatever mechanisms and procedures they wish to protect themselves from oil pollution damage, such as a State cleanup and compensation fund financed by appropriations from the State general treasury.

In return for yielding a measure of their regulatory and taxing authority, States will receive a guarantee of greater Federal cooperation in responding to many oilspills, and an enormously increased level of protection for themselves and for their citizens from pollution incidents which are either catastrophic in scope, or for which existing legal remedies are inadequate.

This amendment is predicated on the assumption that oil spills will continue to occur. Inevitably, some of those spills will result in significant damage to personal property or natural resources, and expenses to those charged with the responsibility for removing or containing the oil.

No witness who has testified before our committee over the past 9 years has questioned the fundamental equity of adopting a standard of strict pollution liability for those who produce, and transport, oil. The inadequacy of present law and the need for legislation of this type has been recognized by a broad range of groups, including the administration, the oil industry, the shipping and barge industries, fishermen, most State governments, environmentalists, and the insurance industry. Disagreements persist about the precise scope and language of certain provisions in the bill, but the text of the amendment reflects compromises and understandings worked out not just this year, but over the course of the last decade by those convinced of the need for this type of measure. Committee members remain willing to work with other congressional committees, with the administration, and with the public to guarantee the enactment of a broadly acceptable and effective comprehensive oil pollution liability bill.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Chairman, I rise to add my support for the amendment offered by the gentleman from Louisiana. It is unfortunate that his motivation for offering this amendment has been misinterpreted by those who support a strong Superfund bill. This amendment is not a weakening addition to the bill, but rather is a significant piece of legislation providing for the cleanup of oil spills on our navigable waters.

This amendment recognizes that people who inhabit our coastal areas and live along our waterways deserve to be protected from catastrophic oil

spills, and deserve to be compensated for damages which result from those spills. In this spirit, the amendment provides for prompt and equitable means of compensating those suffering damage or economic loss as a result of an oil pollution incident. This language provides an incentive for careful transportation, production and storage of oil by holding those responsible for handling oil strictly liable for pollution emanating from their vessels or facilities. Furthermore, this legislation encourages prompt reporting and cleaning up of oil pollution. Finally, Mr. BREAUX's amendment unifies the complex patchwork of State, Federal and international oil pollution liability and compensation statutes to assure compensation to the victims of oil pollution and create a more rational climate for the oil and insurance industries. In short, this is the kind of amendment that supporters of the Superfund program should enthusiastically embrace.

I urge my colleagues to disregard environmental newsletters which urge a no vote on this amendment on the presumption that it would adversely affect the provisions of the Superfund bill. I honestly believe they misunderstood the intent and effect of this language. as a supporter of this Superfund bill, I will vote for this amendment which goes a long way toward providing an effective response to oil spills in our valuable waters. I urge my colleagues to do likewise.

I also rise in support of H.R. 5640. People in my State of Delaware and across this country see their land, their water, and even their air becoming increasingly soured by wastes which we have carelessly spread across the landscape.

For me, the threat of our policyless management of toxic wastes hits close to home. My house in New Castle County, DE is located between two priority sites identified by the Environmental Protection Agency. One of those sites is No. 2 on the priority list. Wellwater in the area is contaminated, and my neighbors bear feelings of anger and fear as they wonder what will happen to their health and property. These People and thousands like them across this Nation need forceful Federal aid in cleaning up the mess and they need effective means to recover their losses.

Our response to date has been embarassingly inadequate—funds are short and the effort applied to the task has been abysmal. Only 6 of the 546 sites currently on the EPA's priority list have been cleaned up so far—and those 546 sites are only the tip of a looming iceberg of sites needing immediate attention. EPA expects this list to grow to 2,200 within a few years. Indeed, there may be more than 20,000 toxic waste sites out there. That pretty much assures each of us a personal and parochial interest in the hazardous waste threat.

Despite the universality of this problem, however, I do not advocate an irresponsible, knee-jerk response by Congress. Fortunately, this bill is a carefully crafted, well-conceived answer to a critical and immediate need.

Many of my colleagues question the current EPA's ability and willingness to effectively spend the 10.2 billion authorized whether or not we want to spend this money. We must spend it. I felt this legislation provides enough direction and leverage to force a heretofore reluctant EPA to face this critical toxic pollution threat head on.

On behalf of the thousand who have personally felt the effects of toxic exposure and on behalf of the thousands more who will certainly meet the same fate if we do not act responsibly, I will vote for this worthwhile and necessary legislation. I urge my colleague to do likewise.

● Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of the amendment.

This is the fifth Congress in which our Committee on Merchant Marine and Fisheries has attempted to enact a comprehensive oilspill liability and compensation bill. It is proper to offer this legislation as an amendment to Superfund because the purposes of the two are identical, except that our amendment applies to oil, while Superfund is concerned mostly with hazardous substances.

Approval of this amendment will further broaden the strong support that already exists for Superfund, and make the enactment of H.R. 5640 even more important to our country.

The provisions of the Breaux amendment were approved unanimously by our committee last August. They reflect an approach that has been accepted, in general terms, by the oil industry, environmentalists, the shipping industry, State governments, fishermen, the Coast Guard, and the Reagan administration. Differences over detail within a coalition this broad are obviously certain to exist, but they provide no cause for failing to approve this long-delayed and much-needed measure.

This amendment is fair to industry, fair to those who may suffer economic loss as the result of an oilspill, and fair to the Federal taxpayer. It will reduce bureaucracy, while providing more complete protection from oil-spills. A nearly identical bill has twice before passed the House, and I hope the pending amendment will be approved with overwhelming support today.

There are several Members who have worked diligently for a decade to obtain passage of oilspill liability and compensation legislation. They include Mr. BIAGGI, Mr. STUDDS, Mr. YOUNG, and, of course, Mr. BREAUX. They deserve special commendation.

In offering this amendment, we mean no slight to any committee. In addition to the Merchant Marine and Fisheries Committee, the Public Works Committee and the Ways and Means Committee have contributed to the evolution of oilspill legislation over the years.

In deciding your vote, remember that only by approving the pending amendment, will we have any chance at all this year to compensate innocent victims of oilspills like the one in Texas. There will be no other chance this year to approve this much-needed legislation.

I urge your support for this amendment.●

● Mr. FIELDS. Mr. Chairman, I rise in support of the amendment by Mr. BREAUX that contains the comprehensive oil spill liability and compensation provisions.

This amendment includes the text of H.R. 3278, reported by the Merchant Marine and Fisheries Committee, which provides for the prompt and equitable compensation of those who suffer damage or economic loss from oil spills. It is a rational approach to this problem which allows those injured to gain relief, yet provides an environment in which the petroleum and related industries can operate successfully. The recent spill off the coast of Texas from the tanker *Alvenus* shows us how vulnerable we can be. This provision will provide us the protection we need to take effective action in the case of a spill.

Mr. Chairman, I encourage my colleagues to support the inclusion of this amendment in H.R. 5640.●

● Mr. PRITCHARD. Mr. Chairman, I join in supporting this amendment to include oil spill liability and compensation legislation in H.R. 5640.

The proposed amendment would essentially be the text of H.R. 3278 as reported by the Merchant Marine and Fisheries Committee last year. The main purpose of the amendment is to provide a prompt and equitable means of compensating U.S. citizens suffering damage or economic loss as a result of oil spills from vessels, OCS oil facilities, and deepwater ports. It unifies the various existing State and Federal laws pertaining to oil pollution liability and compensation in spills from those sources. It also sets the stage for harmonizing U.S. law with important principles of international law if the United States should join the two principal treaties applicable to oil spills from vessels. Thus, by this amendment, compensation will be assured to victims of oil spills and a stable, legal system will be created in which the oil-related industries and insurance industries can plan their operations.

The Merchant Marine and Fisheries Committee has recommended legisla-

tion in the past to prevent pollution damage of our coastal and marine environment, which Congress has ultimately adopted. This proposed oil spill amendment is a logical complement to these prior preventive measures and to the hazardous substances liability provisions in H.R. 5640. The oil spill provisions have been developed over the past decade by our committee and other committees in Congress.

The oil industry and environmental groups all support a comprehensive oil spill liability and compensation system for the United States. And, just recently, Secretary Dole indicated in testimony before our committee that the administration has changed its position and now supports the concept of a comprehensive oil spill liability and compensation system. This amendment would provide a great improvement over the fragmented and confusing collection of laws which now applies—inadequately, in most cases—to liability and compensation for oil pollution incidents.

The dramatic incidents of the *Torrey Canyon*, the *Santa Barbara* platform blowout, *Argo Merchant, Amoco Cadiz*, and more recently, the British tanker *Alvenus*, demonstrate the potential for extensive oil pollution damage to the property and natural resources along the coastline of our Nation.

Adopting this oilspill amendment will provide the opportunity to finally achieve this needed legislation, which has been delayed for too long. I urge my colleagues to approve this amendment. Thank you.●

● Mr. DAVIS. Mr. Chairman, I rise in support of this amendment to create a comprehensive system for oil pollution liability and compensation.

As the ranking minority member of the Coast Guard and Navigation Subcommittee, I can assure you that our committee has been working long and hard to achieve a measure such as this. Earlier this Congress, we reported a bill, H.R. 3278, that has a domestic liability and compensation program as well as provisions to implement the International Civil Liability and Fund Conventions just recently negotiated.

The amendment offered today essentially contains the provisions in H.R. 3278. Specifically, it consolidates the existing funds under the Deepwater Ports Act, the Outer Continental Shelf Lands Act, the Trans-Alaska Pipeline Act, and certain portions of the Federal Water Pollution Control Act Fund; sets up a single trust fund to provide for cleanup and compensation; establishes minimum and maximum limits of legal liability for various categories of vessels and facilities; allows existing State oil pollution cleanup and compensation funds to remain in existence; and contains language to implement the international conventions once they are ratified and enter into force for the United States.

Mr. Chairman, this amendment brings us closer to achieving the goal of a domestic law that deals comprehensively with oil spill liability and compensation. I urge my colleagues to support the amendment, and commend all of those who have worked so hard to bring this provision before us today.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BREAUX].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—AMENDMENTS OF THE INTERNAL REVENUE CODE OF 1954

SEC. 501. SHORT TITLE.

This title may be cited as the "Superfund Revenue Act of 1984".

SEC. 502. INCREASE IN TAX ON PETROLEUM.

(a) INCREASE IN TAX.—Subsections (a) and (b) of section 4611 of the Internal Revenue Code of 1954 (relating to environmental tax on petroleum) are each amended by striking out "0.79 cent" and inserting in lieu thereof "7.86 cents".

(b) TERMINATION OF TAX—

(1) Subsection (d) of section 4611 of such Code (relating to termination) is amended to read as follows:

"(d) TERMINATION.—The tax imposed by this section shall not apply after September 30, 1990."

(2) Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1985.

SEC. 503. INCREASE IN TAX ON CERTAIN CHEMICALS.

(a) INCREASE IN RATE OF TAX; ADDITIONAL CHEMICALS TAXED.—Subsection (b) of section 4661 of the Internal Revenue Code of 1954 (relating to amount of tax imposed on certain chemicals) is amended by striking out the table contained in such subsection and inserting in lieu thereof the following:

"In the case of:	The tax (before any inflation adjustment) is the following amount per ton: Sales during 1985	Sales during 1986	Sales during 1987	Sales during 1988 and thereafter until the termination date
Organic substances:				
Acetylene	$29.91	$30.00	$30.00	$30.00
Benzene	6.60	8.80	9.90	13.20
Butadiene	9.79	13.05	14.69	19.58
Butane	4.87	5.60	6.30	8.40
Butylene	5.15	6.87	7.73	10.30
Coal-derived light oils	5.02	6.69	7.53	10.04
Coal tars	1.78	2.37	2.67	3.56
Ethylene	6.89	9.19	10.33	13.78
Methane	3.44	3.44	3.44	4.00
Napthalene	6.89	9.19	10.33	13.78
Propylene	5.87	7.83	8.80	11.74
Toluene	5.19	6.92	7.78	10.38
Xylene (before 1989)	10.65	14.05	16.75	22.35
Xylene (after 1988)				15.40
Inorganic substances:				
Aluminum sulfate	3.52	4.69	5.28	7.04
Aluminum phosphide	30.00	30.00	30.00	30.00
Ammonia	2.64	3.52	3.96	5.28
Antimony	30.00	30.00	30.00	30.00
Antimony trioxide	30.00	30.00	30.00	30.00
Arsenic	30.00	30.00	30.00	30.00
Arsenic trioxide	12.97	17.29	19.46	25.94
Asbestos	5.76	7.68	8.64	11.52
Barium sulfide	7.13	9.51	10.70	14.26
Bromine	9.73	12.97	14.59	19.46
Cadmium	30.00	30.00	30.00	30.00
Chlorine	3.05	4.07	4.57	6.10
Chromite	1.52	1.52	1.52	1.70
Chromium	30.00	30.00	30.00	30.00
Cobalt	30.00	30.00	30.00	30.00
Copper	23.60	30.00	30.00	30.00
Cupric oxide	30.00	30.00	30.00	30.00
Cupric sulfate	23.18	30.00	30.00	30.00
Cuprous oxide	30.00	30.00	30.00	30.00
Hydrochloric acid	0.94	1.25	1.41	1.88
Hydrogen fluoride	23.50	30.00	30.00	30.00
Lead	8.27	11.03	12.41	16.54
Lithium carbonate	30.00	30.00	30.00	30.00
Manganese	22.69	30.00	30.00	30.00
Mercury	30.00	30.00	30.00	30.00
Nickel	30.00	30.00	30.00	30.00
Nitric acid	3.05	4.07	4.57	6.10
Phosphoric acid	7.65	10.20	11.48	15.30
Phosphorous	6.65	6.65	6.65	6.65
Potassium dichromate	15.03	20.04	22.54	30.00
Potassium hydroxide	9.83	13.11	14.75	19.66
Selenium	30.00	30.00	30.00	30.00
Sodium dichromate	18.48	24.64	27.72	30.00
Sodium hydroxide	2.82	3.76	4.23	5.64
Stannic chloride	30.00	30.00	30.00	30.00
Stannous chloride	30.00	30.00	30.00	30.00
Sulfuric acid	0.78	1.04	1.17	1.56
Uranium oxide	30.00	30.00	30.00	30.00
Vandium	30.00	30.00	30.00	30.00
Zinc	12.48	16.64	18.72	24.96
Zinc chloride	10.55	14.07	15.83	21.10
Zinc oxide	14.43	19.24	21.65	28.86
Zinc sulfate	8.30	11.07	12.45	16.60."

(b) INFLATION ADJUSTMENTS IN AMOUNT OF TAX.—Section 4661 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) INFLATION ADJUSTMENTS IN AMOUNT OF TAX.—

"(1) IN GENERAL.—In the case of any taxable chemical sold in a calendar year after 1985, the amount of the tax imposed by subsection (a) shall be the amount determined under subsection (b) increased by the applicable inflation adjustment for such calendar year.

"(2) APPLICABLE INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of a taxable chemical, the applicable inflation adjustment for the calendar year is the percentage (if any) by which—

"(i) the applicable price index for the preceding calendar year, exceeds

"(ii) the applicable price index for 1984.

"(B) APPLICABLE PRICE INDEX.—For purposes of subparagraph (A), the applicable price index for any calendar year is the average for the months in the 12-month period ending on September 30 of such calendar year of—

"(i) in the case of organic substances, the producer price index for basic organic chemicals as published by the Secretary of Labor, or

"(ii) in the case of inorganic substances, the producer price index for basic inorganic chemicals as published by the Secretary of Labor.

"(3) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of 1 cent, such increase shall be rounded to the nearest multiple of 1 cent (or if the increase determined under paragraph (1) is a multiple of ½ of 1 cent, such increase shall be increased to the next higher multiple of 1 cent)."

(c) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

(1) Section 4662 of such Code (relating to definitions and special rules) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

"(1) TAX-FREE SALES.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661 on the sale by the manufacturer or producer of any taxable chemical for export, or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT REQUIRED.—Rules similar to the rules of section 4221(b) shall apply for purposes of subparagraph (A).

"(2) CREDIT OR REFUND WHERE TAX PAID.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if—

"(i) tax under section 4661 was paid with respect to any taxable chemical, and

"(ii) such chemical was exported by any person,

credit or refund (without interest) of such tax shall be allowed or made to the person who paid such tax.

"(B) CONDITION TO ALLOWANCE.—No credit or refund shall be allowed or made under subparagraph (A) unless the person who paid the tax establishes that he—

"(i) has repaid or agreed to repay the amount of the tax to the person who exported the taxable chemical, or

"(ii) has obtained the written consent of such exporter to the allowance of the credit or the making of the refund.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(2) Paragraph (1) of section 4662(d) of such Code (relating to refund or credit for certain uses) is amended—

(A) by striking out "the sale of which by such person would be taxable under such section" and inserting in lieu thereof "which is a taxable chemical", and

(B) by striking out "imposed by such section on the other substance manufactured or produced" and inserting in lieu thereof "imposed by such section on the other substance manufactured or produced (or which would have been imposed by such section on such other substance but for subsection (e) of this section)".

(d) SPECIAL RULES FOR CERTAIN CHEMICALS.—

(1) REPEAL OF EXEMPTION FOR CHEMICALS DERIVED FROM COAL.—Paragraph (4) of section 4662(b) of such Code (relating to exemption for substances derived from coal) is hereby repealed.

(2) EXEMPTION FOR PHOSPHORIC ACID USED IN PRODUCING FERTILIZER.—Subparagraph (A) of section 4662(b)(2) of such Code is amended by striking out "sulfuric acid," and inserting in lieu thereof "sulfuric acid, phosphoric acid,".

(3) EXEMPTION FOR CERTAIN SUBSTANCES HAVING TRANSITORY PRESENCE DURING EXTRACTING PROCESS.—Clause (i) of section 4662(b)(6)(B) of such Code (relating to substance having transitory presence during extracting process) is amended to read as follows:

"(i) any taxable chemical which is a metal or metallic compound, and".

(4) SPECIAL RULE FOR XYLENE.—Subsection (b) of section 4662 of such Code (relating to exceptions; other special rules) is amended by adding at the end thereof the following new paragraph:

"(7) SPECIAL RULE FOR XYLENE.—Except in the case of any substance imported into the United States or exported from the United States, the term 'xylene' does not include any separated isomer of xylene."

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 1985.

(2) REPEAL OF TAX ON XYLENE FOR PERIODS BEFORE 1985.—

(A) PERIOD AFTER ENACTMENT.—Effective during the period beginning on the date of the enactment of this Act and ending on December 31, 1984, no tax shall be imposed by section 4661 of the Internal Revenue Code of 1954 on the sale or use of xylene.

(B) REFUND OF TAX PREVIOUSLY IMPOSED.—In the case of any tax imposed by section 4661 of such Code on the sale or use of xylene before the date of the enactment of this Act, such tax (including interest, additions to tax, and additional amounts) shall not be assessed, and if assessed, the assessment shall be abated, and if collected shall be credited or refunded (with interest) as an overpayment.

(C) WAIVER OF STATUTE OF LIMITATIONS.—If on the date of the enactment of this Act (or at any time within 1 year after such date of enactment) refund or credit of any overpayment of tax resulting from the application of subparagraph (B) is barred by any law or rule of law, refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

(D) XYLENE TO INCLUDE ISOMERS.—For purposes of this paragraph, the term "xylene" shall include any isomer of xylene whether or not separated.

(3) SPECIAL RULE FOR CERTAIN EMPLOYEE-OWNED CHEMICAL PLANTS.—

(A) IN GENERAL.—In the case of any organic substance manufactured or produced at a qualified employee-owned chemical plant—

(i) the table contained in section 4661(b) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) shall remain in effect during calendar years 1985, 1986, and 1987, and

(ii) the amendments made by subsections (a) and (b) of this section shall take effect on January 1, 1988.

(B) QUALIFIED EMPLOYEE-OWNED CHEMICAL PLANT.—For purposes of subparagraph (A), the term "qualified employee-owned chemical plant" means any facility for the manufacture or production of taxable chemicals which is owned by a qualified employee-owned corporation and which was operated by such corporation on August 1, 1984.

(C) Qualified employee-owned corporation.—For purposes of subparagraph (B)—

(i) IN GENERAL.—The term "qualified employee-owned corporation" means any corporation headquartered in Odessa, Texas, if—

(I) during December 1983, there was an employee buy-out of substantially all of the common stock of such corporation,

(II) as of August 1, 1984, such corporation had at least 100 employees who were stockholders in such corporation, and

(III) as of August 1, 1984, substantially all of the common stock of such corporation was owned by employees, officers, or directors of such corporation (or their spouses).

(ii) SUBSIDIARIES INCLUDED.—The term "qualified employee-owned corporation" includes any corporation which—

(I) is a wholly owned subsidiary of a corporation meeting the requirements of clause (i), and

(II) was such a subsidiary on August 1, 1984.

SEC. 504. HAZARDOUS SUBSTANCE SUPERFUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9505. HAZARDOUS SUBSTANCE SUPERFUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Hazardous Substance Superfund' (hereinafter in this section referred to as the 'Superfund'), consisting of such amounts as may be—

"(1) appropriated to the Superfund as provided in this section,

"(2) appropriated to the Superfund pursuant to section 504(b) of the Superfund Revenue Act of 1984, or

"(3) credited to the Superfund as provided in section 9602(b).

"(b) TRANSFERS TO SUPERFUND.—There are hereby appropriated to the Superfund amounts equivalent to—

"(1) the taxes received in the Treasury under section 4611 or 4661 (relating to taxes on petroleum and certain chemicals),

"(2) amounts recovered on behalf of the Superfund under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (hereinafter in this section referred to as 'CERCLA'),

"(3) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act,

"(4) penalties assessed under title I of CERCLA, and

"(5) punitive damages under section 107(c)(3) of CERCLA.

"(c) EXPENDITURES FROM SUPERFUND.—Amounts in the Superfund shall be available only for purposes of making expenditures—

"(1) to carry out the purposes of paragraphs (1), (2), and (4) of section 111(a) of CERCLA as in effect on the effective date of the Superfund Protection and Expansion Act of 1984, or

"(2) hereafter authorized by a law which authorizes the expenditure out of the Superfund for a general purpose covered by paragraphs (1), (2), and (4) of such section 111(a) (as so in effect).

"(d) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Superfund, as repayable advances, such sums as may be necessary to carry out the purposes of the Superfund.

"(2) LIMITATIONS ON ADVANCES TO SUPERFUND.—

"(A) AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Superfund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts described in paragraph (1) of subsection (b) which will be transferred to the Superfund during the following 12 months.

"(B) ADVANCES FOR PAYMENT OF RESPONSE COSTS.—No amount may be advanced after March 31, 1988, to the Superfund except for the purpose of paying response costs described in paragraph (1), (2), or (4) of section 111(a) of CERCLA which are incurred incident to a spill the effects of which the Secretary determines to be catastrophic.

"(C) FINAL REPAYMENT.—No advance shall be made to the Superfund after September 30, 1990, and all advances to such Fund shall be repaid on or before such date.

"(3) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Superfund (or when required by paragraph (2)(C)).

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

"(e) ESTABLISHMENT OF SEPARATE ACCOUNT FOR LEAKING UNDERGROUND STORAGE TANKS, ETC.—

"(1) CREATION OF ACCOUNT.—There is established in the Superfund a separate account to be known as the 'Leaking Underground Storage Tank Account' (hereinafter in this subsection referred to as the 'Account') consisting of such amounts as may be—

"(A) appropriated to the Account pursuant to section 504(b) of the Superfund Revenue Act of 1984,

"(B) transferred to the Account as provided in paragraph (2), or

"(C) credited to the Account as provided in section 9602(b).

"(2) TRANSFERS TO ACCOUNT.—The Secretary of the Treasury shall transfer to the Account from the Superfund amounts equivalent to the amounts described in paragraphs (2), (3), (4), and (5) of subsection (b) which would not be so described but for the amendments made by sections 101 and 102 of the Superfund Expansion and Protection Act of 1984.

"(3) EXPENDITURES FROM ACCOUNT.—

"(A) IN GENERAL.—Amounts in the Account shall be available for expenditures which may be made from the Superfund under subsection (c) solely by reason of the amendments described in paragraph (2). Any expenditure which may be made from the Account (determined without regard to subparagraph (B)) may be made only from the Account.

"(B) EXPENDITURE LIMITATION.—The aggregate amount of expenditures which may be made from the Account after September 30, 1985, and before October 1, 1990, shall not exceed the sum of—

"(i) $850,000,000, plus

"(ii) the aggregate of the amounts described in subparagraphs (B) and (C) of paragraph (1) which are transferred or credited to the Account during such period.

"(4) REPAYABLE ADVANCES.—

"(A) AUTHORIZATION OF TRANSFERS.—The Secretary may transfer, as repayable advances, to the Account from other amounts in the Superfund, such sums as may, from time to time, be necessary to make the expenditures described in paragraph (3).

"(B) REPAYMENT OF ADVANCES.—Advances made to the Account pursuant to this paragraph shall be repaid, and interest on such advances shall be paid, to the Superfund, when the Secretary of the Treasury determines that moneys are available for such purposes in the Account (or when required pursuant to subparagraph (D)).

"(C) RATE OF INTEREST.—The interest on advances made pursuant to this paragraph shall be at rates determined under the rules of subparagraph (B) of subsection (d)(3) and shall be compounded annually.

"(D) LIMITATIONS ON ADVANCES.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (d)(2) shall apply for purposes of this paragraph.

"(f) LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.—

"(1) GENERAL RULE.—Any claim filed against the Superfund may be paid only out of the Superfund.

"(2) COORDINATION WITH OTHER PROVISIONS.—Nothing in CERCLA or the Superfund Expansion and Protection Act of 1984 (or in any amendment made by either of such Acts) shall authorize the payment by the United States Government of any amount with respect to any such claim out of any source other than the Superfund.

"(3) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time the Superfund is unable (by reason of paragraph (1)) to pay all of the claims payable out of the Superfund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.

"(4) APPLICATION TO ACCOUNT.—Rules similar to the rules of paragraphs (2) and (3) shall apply to the Leaking Underground Storage Tank Account."

(b) AUTHORIZATION OF APPROPRIATIONS, ETC.—

(1) IN GENERAL.—There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Hazardous Substance Superfund for fiscal year—

(A) 1986, $421,000,000,
(B) 1987, $421,000,000,
(C) 1988, $496,000,000,
(D) 1989, $496,000,000, and
(E) 1990, $496,000,000,

plus for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under this paragraph (and paragraph (2) of section 221(b) of the Hazardous Substance Response Act of 1980, as in effect before its repeal) as has not been appropriated before the beginning of the fiscal year involved.

(2) LEAKING UNDERGROUND STORAGE TANK ACCOUNT.—Of the amount appropriated under paragraph (1), not more than $850,000,000 may be appropriated to the Leaking Underground Storage Tank Account of the Hazardous Substance Superfund.

(c) CONFORMING AMENDMENTS.—

(1) Subtitle B of the Hazardous Substance Response Revenue Act of 1980 (relating to establishment of Hazardous Substance Reponse Trust Fund) is hereby repealed.

(2) Paragraph (11) of section 101 of the comprehensive Environmental Response, compensation, and Liability Act of 1980 is amended to read as follows:

"(11) 'Fund' or 'Trust Fund' means the Hazardous substance Superfund established by section 9505 of the Internal Revenue Code of 1954;".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such code is amended by adding at the end thereof the following new item:

"Sec. 9505. Hazardous Substance Superfund."

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1985.

(2) SUPERFUND TREATED AS CONTINUATION OF OLD TRUST FUND.—The Hazardous Substance Superfund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Hazardous Substance Response Trust Fund established by section 221 of the Hazardous Substance Response Revenue Act of 1980. Any reference in any law to the Hazardous Substance Response Trust Fund established by such section 221 shall be deemed to include (wherever appropriate) a reference to the Hazardous Substance Superfund established by the amendments made by this section.

SEC. 505. REPEAL OF POST-CLOSURE TAX AND TRUST FUND.

(a) REPEAL OF TAX.—

(1) Subchapter C of chapter 38 of the Internal Revenue Code of 1954 (relating to tax on hazardous wastes) is hereby repealed.

(2) The table of subchapters for such chapter 38 is amended by striking out the item relating to subchapter C.

(b) REPEAL OF TRUST FUND.—Section 232 of the Hazardous Substance Response Revenue Act of 1980 is hereby repealed.

(c) TECHNICAL AMENDMENT.—Sections 107(k) and 111(j) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 are hereby repealed.

(d)EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1983.

SEC. 506. INCREASE IN TAX IF WASTE-END TAX NOT ENACTED.

(a) INCREASE IN TAX.—

(1) TAX ON PETROLEUM.—Subsections (a) and (b) of section 4611 of the Internal Revenue Code of 1954 (relating to environmental tax on petroleum), as amended by section 502, are each amended by striking out "7.86 cents" and inserting in lieu thereof "9.65 cents".

(2) TAX ON CERTAIN CHEMICALS.—Subsection (b) of section 4661 of such Code (relating to amount of tax imposed on certain chemicals), as amended by section 503, is amended by striking out the table contained in such subsection and inserting in lieu thereof the following:

"In the case of:	The tax (before any inflation adjustment) is the following amount per ton:		
	Sales during 1987	Sales during 1988 and 1989	Sales after 1989 and before the termination date
Organic substances:			
Acetylene	$35.00	$35.00	$35.00
Benzene	13.20	15.40	17.60
Butadiene	19.58	22.84	26.11
Butane	8.40	9.80	11.20
Butylene	10.30	12.02	13.73
Coal-derived light oils	10.04	11.71	13.39
Coal tars	3.56	4.15	4.75
Ethylene	13.78	16.08	18.37
Methane	4.00	4.67	5.33
Napthalene	13.78	16.08	18.37
Propylene	11.74	13.70	15.65
Toluene	10.38	12.11	13.84
Xylene	21.30	21.77	20.53
Inorganic substances:			
Aluminum sulfate	7.04	8.40	9.35
Aluminum phosphide	35.00	35.00	35.00
Ammonia	5.28	6.16	7.04
Antimony	35.00	35.00	35.00
Antimony trioxide	35.00	35.00	35.00
Arsenic	35.00	35.00	35.00
Arsenic trioxide	25.94	30.26	34.59
Asbestos	11.52	13.44	15.36
Barium sulfide	14.26	16.64	19.01
Bromine	19.46	22.70	25.95

"In the case of:	The tax (before any inflation adjustment) is the following amount per ton: Sales during 1987	Sales during 1988 and 1989	Sales after 1989 and before the termination date
Cadmium	35.00	35.00	35.00
Chlorine	6.10	7.12	8.13
Chromite	1.76	1.98	2.27
Chromium	35.00	35.00	35.00
Cobalt	35.00	35.00	35.00
Copper	35.00	35.00	35.00
Cupric oxide	35.00	35.00	35.00
Cupric sulfate	35.00	35.00	35.00
Cuprous oxide	35.00	35.00	35.00
Hydrochloric acid	1.88	2.19	2.51
Hydrogen fluoride	35.00	35.00	35.00
Lead	16.54	19.30	22.05
Lithium carbonate	35.00	35.00	35.00
Manganese	35.00	35.00	35.00
Mercury	35.00	35.00	35.00
Nickel	35.00	35.00	35.00
Nitric acid	6.10	7.12	8.13
Phosphoric acid	15.30	17.85	20.40
Phosphorous	7.59	7.59	7.59
Potassium dichromate	30.06	35.00	35.00
Potassium hydroxide	19.66	22.94	26.21
Selenium	35.00	35.00	35.00
Sodium dichromate	35.00	35.00	35.00
Sodium hydroxide	5.64	6.58	7.52
Starnnic chloride	35.00	35.00	35.00
Starnnous chloride	35.00	35.00	35.00
Sulfuric acid	1.56	1.82	2.08
Uranium oxide	35.00	35.00	35.00
Vanadium	35.00	35.00	35.00
Zinc	24.96	29.12	33.28
Zinc chloride	21.10	24.62	28.13
Zinc oxide	28.86	33.67	35.00
Zinc sulfate	16.60	19.37	22.13."

(3) INCREASED TAXES TO TAKE EFFECT ONLY IF WASTE-END TAX NOT ENACTED.—The amendments made by this subsection—

(A) shall take effect only if a Federal waste-end tax is not enacted before July 1, 1986, and

(B) if such tax is not enacted before July 1, 1986, shall take effect on January 1, 1987.

(b) STUDY OF WASTE-END TAX.—

(1) IN GENERAL.—The Secretary of the Treasury (in consultation with the Environmental Protection Agency and the International Trade Commission) shall conduct a study of various proposals for a Federal waste-end tax (and their probable trade and other economic effects) in order to develop a proposal for such a tax which is designed to discourage the disposal of hazardous wastes in environmentally unsound manners and to accomplish this result with maximum administrative feasibility.

(2) REPORT.—Not later than April 1, 1985, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under paragraph (1) together with a proposal in legislative form for a Federal waste-end tax.

(c) FEDERAL WASTE-END TAX.—For purposes of this section, the term "Federal waste-end tax" means any Federal excise tax imposed with respect to the disposal of hazardous substances.

SEC. 507. STUDY OF ECONOMIC IMPACT OF TAX ON CERTAIN CHEMICALS.

(a) GENERAL RULE.—The Secretary of the Treasury (in consultation with the International Trade Commission) shall conduct a study on—

(1) the trade and other economic effects of the tax imposed by section 4661 of the Internal Revenue Code of 1954, and

(2) the feasibility and desirability of imposing a tax on imported derivatives of substances subject to the tax imposed by such section 4661.

Such study shall develop the methodology for selecting the list of substances which would be subject to the tax referred to in paragraph (2) and the means of making such a tax compatible with international trade agreements.

(b) REPORT.—Not later than April 1, 1985, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under subsection (a).

TECHNICAL AMENDMENT OFFERED BY MR. FOWLER

Mr. FOWLER. Mr. Chairman, I offer a technical amendment to title VI, and I ask unanimous consent for its consideration at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FOWLER: Page 73, strike out lines 9 and 10 and substitute: "(i) barium sulfide, or any other taxable chemical which is a metal or metallic compound, and".

Mr. FOWLER. Mr. Chairman, present law allows an exemption from the Superfund tax for certain, otherwise taxable chemicals, that have only a transitory existence during the extracting process. The Committee on Ways and Means agreed to continue this exemption of present law. However, in the drafting process one substance, barium sulfide, was inadvertently dropped from the bill. This amendment merely continues present law by adding barium sulfide back into the listed substances exempt from the tax if found only in transitory form.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. I understood the only amendments to title V would be the one by Representative CONABLE.

Mr. FOWLER. I will say to the gentleman that this was done by unanimous consent. It was a technical amendment because it was a drafting problem.

Mr. NIELSON of Utah. Would the gentleman consider dropping copper in the same sort of spirit?

Mr. FOWLER. The gentleman will have to ask the gentleman from New York who agreed.

Mr. NIELSON of Utah. We were told that we could not mess with any of those names or any of those chemicals or any of the compounds in this title.

Mr. FOWLER. I say to the gentleman, with all due respect, he can ask unanimous consent. But this was a drafting problem. It was dropped from the text. It was not a new addition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. FOWLER].

The amendment was agreed to.

● Mr. FLORIO. Mr. Chairman, I am aware that there are those who have problems with the tax provisions of the bill. It is a difficult task to put together an equitable tax system for Superfund, as I know as the author of this bill, and I want to commend the Ways and Means Committee for its work.

If inequities are discovered in the tax system, I am sure my colleagues on the Ways and Means Committee will work to eliminate those inequities. I will work with them to ensure an equitable system, and we should be able to resolve any problems. I have heard from many more including a major producer of aluminum sulfate, that we need to fine tune the tax system.

As we meet with the other body in conference, and I hope they act quickly as they say they will, we will perfect the system.●

AMENDMENT OFFERED BY MR. CONABLE

Mr. CONABLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONABLE: Page 66, line 25, after "after" strike out "September 30, 1990." and insert "September 30, 1986".

The CHAIRMAN. Pursuant to House Resolution 570, the gentleman from New York [Mr. CONABLE] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. CONABLE].

Mr. CONABLE. Mr. Chairman, I rise in support of the amendment, and I yield myself such time as I may consume.

Mr. MICHEL. Mr. Chairman, will the gentleman yield to me?

Mr. CONABLE. I yield to the distinguished minority leader.

Mr. MICHEL. Mr. Chairman, I would ask the Chair for order because the gentleman has consented not to use the half hour or so that he is entitled to and desires to move along expeditiously. I think we have general accord and agreement between the two sides to move very swiftly here. I think the gentleman's amendment is a very significant and important one and ought to be heard if the Members will please give him their attention so that we can move on.

Mr. CONABLE. I thank the gentleman for his comments.

I see no reason why we need to discuss this amendment at great length. I think it is generally understood. But to be sure the Members present understand the reasons back of such an amendment, I expect to use about 5 minutes of my time to explain it.

Mr. Chairman, H.R. 5640 provides for a series of excise taxes starting January 1, 1985, and ending September 30, 1990. My amendment is simple. It would change the ending date for those taxes to September 30, 1986.

The amendment does not affect any substantive aspect of the bill, other than the funding mechanism. It

merely shortens the mechanism's lifespan. But that is easily adjustable.

After the entire program has been in effect for 1½ years the 99th Congress can decide whether it wants the Superfund to continue as it is, or whether it wants to make some alterations. If this bill lives up to the expectations of its advocates, then no corrections will be needed and the program can be kept in place with another simple date change. If, however, H.R. 5640 falls short of its advance billing—a development which I believe is far more likely—then the next Congress can make the appropriate adjustments and the work of cleaning up toxic wastes—which we all agree is necessary—can proceed apace.

That seems to me to be a reasonable way to deal with this legislation, under the circumstances we face. I think H.R. 5640 is a terrible bill. It also is obvious that we really do not have to do anything about the Superfund now, because the current program runs to September 30 of next year.

But H.R. 5640 is here today for political reasons we cannot control, and we have to do the best we can under these understandable, if lamentable, conditions.

Therefore, in light of the great uncertainties surrounding this bill, I strongly recommend that we put the funding mechanism in place for a relatively short period of time, and thus force the next Congress to reexamine that in the light of both practical experience and new information which will be made available within the next year.

□ 1850

Nine different studies on toxic waste disposal issues are now underway. Results will be coming in over the next few months. The bill itself calls for a report on a waste-end tax to be made available next April. So let us acknowledge the political reality we have to confront the issue now and do so in a legislatively realistic way. We can authorize the program, warts and all, with the understanding it must be reviewed when we have more useful knowledge at hand.

It is important to bear in mind that this amendment would allow 18 full months of experience under H.R. 5640. It also would assure additional Superfund revenue, for fiscal 1986, of $1.2 billion, not counting any added money coming in from general revenues. So it cannot be said with accuracy the amendment would kill the bill.

When any of us get together to discuss this bill in a group, on either side of the political aisle, the complaints about it are likely to outnumber the expressions of satisfaction.

I think most of us consider it a bad piece of legislation, yet we realize that most of us probably will vote for it out of political necessity.

Against that background my amendment should have broad appeal. It will allow the Members to vote for the program even though you are unhappy about it with the comforting knowledge that its funding flaws will not live on in infamy unless the next Congress so decides.

Mr. Chairman, I reserve the balance of my time.

Mr. DOWNEY of New York. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. DOWNEY] is recognized for 15 minutes.

Mr. DOWNEY of New York. Mr. Chairman, it is not my intention to use but 5 of those minutes. I hear the jet engines whirring in my ear as well.

But this is a critical amendment and it is one that we need to spend just a moment examining. We have decided that everyone, without question, recognizes that the problem of cleaning up toxic waste sites will take longer than 2 years. It will probably take longer than 5 years. It will probably take 10 or 20 years.

Why then would we want to terminate the funding for the cleanup after two? Clearly, we would not.

What we have decided in our title in Ways and Means is to provide for a gradually increasing tax to finance the cleanup of toxic waste sites. These toxic waste sites have been studied to death and we will continue to do even more study. Indeed, under title IV of the bill we anticipate that there will be additional study and that in the outyears, the years in which the gentleman from New York [Mr. CONABLE], my friend, would provide no tax, we will be needing the money to do the cleanup.

So at the very time that we need the money, the money will not be there.

I urge my colleagues, those of you who are supporters of Superfund, understand that this is a process that is going to take a long time. Do not think that we have not studied it. This problem has been studied to death.

The gentleman from New Jersey to whom I am about to yield will address that question.

We need a 5-year funding cycle. I urge my colleagues to oppose the Conable amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Chairman, this is the environmental vote of the year. A vote for this amendment is a message to all those who live around hazardous waste sites that the Government is not serious about cleanup.

The purpose of Superfund is to establish a fund and a cleanup program that will last over several years. Cleaning up hazardous waste sites does not occur overnight; it takes time, planning, contracts, and construction work.

Look at the example of the last several years. Only six sites cleaned up in the course of 4 years. Imagine what the result would have been if the taxes had expired 18 months after the original Superfund had been put in place.

How is EPA going to make plans to cleanup if we only give them enough money for a short period of time? Should they make plans to have a program of cleanup for only sites that can be accomplished with the limited funding we give them? Should they make plans and let contracts assuming they will have funding for the full 5 years?

I see in this amendment an attempt to provide the appearance of dealing with hazardous waste sites without the substance. The tax issues involved here are not new. These issues have been debated for years, and considered by all the committee. Some industries may not like the fact that they have to pay for the problems they have caused, but somebody has to pay.

This amendment means that we will be here next year debating the very same issues, and we will have no more useful information. One justification for the amendment is the EPA studies which will not be completed until this fall. But we have already seen preliminary drafts of these studies and the administration has participated actively in our consideration of this bill.

As for the concern that we have not given adequate consideration to a waste-end tax and should revisit the issue next year, that result is exactly what the Ways and Means Committee has provided for in title V of the bill. The chairman of the Ways and Means Committee has assured me that he is in earnest in his requirement that the Treasury Department report back on how a waste-end tax system can work. I have confidence in the chairman and his desire to see a waste-end tax put in place if it can work.

I do not believe that we need this amendment. The Congress can come back at any point if we believe it is necessary to change the tax system.

I have suspicions about what is behind this amendment. I know that there are those who would like this issue to go away this year. They would like to say they are for the environment this year when in fact they are opposed to cleaning up our environment.

Let us fulfill our commitment to the American people to clean up these sites which threaten our health. I urge my colleagues to vote "no" on this amendment.

Mr. CONABLE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think on both sides of the aisle we understand that more money is needed for this cleanup. It is going to take a long time.

However, we also know that this bill has been put together in a way that is going to require considerable review if we are to have a competitive society and an effective way of cleaning up these wastes.

We have a number of studies coming in at the end of this year. We should have the advantage of them, if we were not moving so precipitously for political reasons.

I think everyone will vote for this bill with a good deal more comfortable mind if in fact we have not locked ourselves into what is quite possibly an unfair and an anticompetitive tax for a period of 5 years.

I hope my amendment will have the serious consideration of all those of good will who want to see this program go forward, but in a fair and effective way.

● Mr. PICKLE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York. I think that this is an important piece of legislation that we are considering today to clean up the toxic waste dumps which are endangering the health and environment of countless communities throughout America, but I am concerned that we have moved too quickly in determining how to pay for this process.

This is a tremendous undertaking, Mr. Chairman, and we would be wise to exercise some caution. Last week, the Ways and Means Committee was given the task of coming up with $10.2 billion in revenues to finance this bill. It was by no means an easy task to do in the short time that we had available, Mr. Chairman, and I don't think that any of us were totally satisfied with the final actions that were taken.

All of us recognized the need to provide taxes for this vital cleanup effort, but some of us were concerned that we might be asking too few to shoulder too much of the burden. There was some feeling on the committee that we needed to spread the burden and impose a tax upon parties responsible for the disposal of these toxic wastes.

The idea of a waste-end tax was appealing to most everyone as a way to raise additional revenue. Companies liked the idea, the environmental groups liked it, and many members of the committee liked it. A waste-end tax, Mr. Chairman, would tax those who actually dispose the hazardous wastes that we're trying to clean up with this legislation. It makes good policy sense and good commonsense to levy such a tax to supplement the existing feedstock tax system. There were some technical problems with the waste-end tax, however, and the staff said they would need more time, so we amended the bill to provide for a study, instead.

We are making some changes in the way that we tax the chemical feedstocks in this bill, as well, although I'm not sure we know exactly what effect that will have. Raising $10.2 billion is a monumental task, Mr. Chairman, and Ways and Means performed its committee responsibility and amended the bill, but we cannot be fully confident that the tax provisions we enact here today will raise the revenues we say they will.

I think we would be wise, Mr. Chairman, to revisit this issue in 2 years, when we have had some experience in levying and collecting these taxes, and try to deal with the matter in a more rational and fair manner. This amendment would not slow down the pace of hazardous waste cleanup, and it would not lower the level of funding. Passing this amendment would be an exercise of prudence, Mr. Chairman, because it would allow us to make more intelligent analyses so that we can be confident that we will raise the revenues we say we will raise.●

Mr. DOWNEY of New York. Mr. Chairman, I yield back the balance of my time.

Mr. CONABLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CONABLE].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONABLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 205, not voting 85, as follows:

[Roll No. 372]

AYES—142

Albosta	Fields	Lungren
Applegate	Frenzel	Mack
Archer	Gaydos	Madigan
Barnard	Gekas	Martin (IL)
Bartlett	Gingrich	McCandless
Bereuter	Goodling	McCollum
Bliley	Gradison	Michel
Bosco	Gramm	Miller (OH)
Breaux	Gregg	Mollohan
Broomfield	Hammerschmidt	Montgomery
Brown (CO)	Hansen (UT)	Morrison (WA)
Broyhill	Hightower	Murphy
Byron	Hiler	Nielson
Carney	Holt	O'Brien
Carper	Hopkins	Olin
Chandler	Horton	Oxley
Chappie	Hubbard	Packard
Cheney	Huckaby	Parris
Clinger	Hunter	Pashayan
Coats	Hutto	Patman
Coleman (MO)	Hyde	Patterson
Conable	Ireland	Paul
Corcoran	Johnson	Pickle
Craig	Jones (NC)	Porter
Crane, Philip	Jones (OK)	Ray
Daniel	Kasich	Roberts
Dannemeyer	Kemp	Robinson
Darden	Kindness	Roth
Daub	Kramer	Roukema
DeWine	Latta	Sawyer
Dickinson	Levitas	Schaefer
Dreier	Lewis (CA)	Schulze
Duncan	Livingston	Shaw
Edwards (AL)	Lloyd	Shumway
Edwards (OK)	Long (LA)	Shuster
Emerson	Lowery (CA)	Siljander
English	Lujan	Sisisky
Evans (IA)	Luken	Skeen
Smith (NE)	Tauzin	Whitten
Smith, Denny	Taylor	Winn
Solomon	Thomas (CA)	Wolf
Spence	Valentine	Wortley
Stangeland	Vander Jagt	Wylie
Stenholm	Vandergriff	Yatron
Stratton	Volkmer	Young (AK)
Stump	Vucanovich	Young (FL)
Sundquist	Walker	
Tallon	Watkins	

NOES—205

Ackerman	Gonzalez	Obey
Akaka	Gore	Ortiz
Anderson	Gray	Owens
Andrews (NC)	Green	Panetta
Andrews (TX)	Guarini	Pease
Annunzio	Gunderson	Penny
Anthony	Hall (IN)	Pepper
Aspin	Hall (OH)	Petri
AuCoin	Hall, Ralph	Price
Barnes	Hamilton	Rahall
Bates	Hance	Rangel
Beilenson	Harkin	Ratchford
Bennett	Harrison	Regula
Berman	Hayes	Reid
Bevill	Hefner	Richardson
Biaggi	Heftel	Ridge
Billrakis	Hertel	Rinaldo
Boehlert	Hoyer	Ritter
Bonior	Hughes	Rodino
Bonker	Jacobs	Roe
Borski	Jenkins	Roemer
Boxer	Jones (TN)	Rowland
Britt	Kastenmeier	Roybal
Brown (CA)	Kazen	Russo
Bryant	Kennelly	Sabo
Burton (CA)	Kildee	Scheuer
Chappell	Kleczka	Schneider
Clay	Kogovsek	Schumer
Coelho	Kolter	Seiberling
Coleman (TX)	Kostmayer	Sensenbrenner
Collins	LaFalce	Sharp
Conte	Lagomarsino	Sikorski
Conyers	Lantos	Slattery
Cooper	Leach	Smith (IA)
Coughlin	Lehman (CA)	Smith (NJ)
Courter	Leland	Snowe
D'Amours	Lent	Solarz
Dellums	Levin	Spratt
Dicks	Lewis (FL)	St Germain
Dingell	Long (MD)	Staggers
Donnelly	Lowry (WA)	Stark
Dowdy	Markey	Stokes
Downey	Martinez	Studds
Durbin	Matsui	Swift
Dwyer	Mavroules	Synar
Dymally	Mazzoli	Thomas (GA)
Dyson	McCloskey	Torres
Eckart	McDade	Torricelli
Edgar	McGrath	Vento
Edwards (CA)	McHugh	Walgren
Erdreich	McKernan	Waxman
Evans (IL)	McNulty	Weaver
Fazio	Mica	Weber
Feighan	Mikulski	Weiss
Fiedler	Miller (CA)	Wheat
Fish	Mineta	Whitley
Flippo	Minish	Williams (MT)
Florio	Mitchell	Williams (OH)
Foglietta	Molinari	Wilson
Foley	Moody	Wirth
Ford (MI)	Moore	Wise
Ford (TN)	Morrison (CT)	Wolpe
Fowler	Mrazek	Wright
Frank	Murtha	Wyden
Frost	Myers	Yates
Gejdenson	Natcher	Young (MO)
Gibbons	Nelson	Zschau
Gilman	Oakar	
Glickman	Oberstar	

NOT VOTING—85

Addabbo	Campbell	Early
Alexander	Carr	Erlenborn
Badham	Clarke	Fascell
Bateman	Coyne	Ferraro
Bedell	Crane, Daniel	Franklin
Bethune	Crockett	Fuqua
Boggs	Daschle	Garcia
Boland	Davis	Gephardt
Boner	de la Garza	Hall, Sam
Boucher	Derrick	Hansen (ID)
Brooks	Dixon	Hartnett
Burton (IN)	Dorgan	Hatcher

Hawkins	McCain	Savage
Hillis	McCurdy	Schroeder
Howard	McEwen	Shannon
Jeffords	McKinney	Shelby
Kaptur	Moakley	Simon
Leath	Moorhead	Skelton
Lehman (FL)	Neal	Smith (FL)
Levine	Nichols	Smith, Robert
Lipinski	Nowak	Snyder
Loeffler	Ottinger	Tauke
Lott	Pritchard	Towns
Lundine	Pursell	Traxler
MacKay	Quillen	Udall
Marlenee	Rogers	Whitehurst
Marriott	Rose	Whittaker
Martin (NC)	Rostenkowski	
Martin (NY)	Rudd	

□ 1910

The Clerk announced the following pairs:

On this vote:

Mr. McEwen for, with Mr. Addabbo against.

Mr. Rudd for, with Mr. Shannon against.

Mr. Lott for, with Ms. Kaptur against.

Mr. Quillen for, with Mr. Derrick against.

Mr. Whitehurst for, with Mr. Howard against.

Mr. Martin of New York for, with Mr. Fuqua against.

Mr. Whittaker for, with Mr. Garcia against.

Mr. Daniel B. Crane for, with Mr. Towns against.

Mr. Bateman for, with Mr. MacKay against.

Mr. McCain for, with Mr. Skelton against.

Mr. Badham for, with Mr. Dixon against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 5640, the Superfund Expansion and Protection Act. I wish to commend the many Members of Congress who have been involved in developing this legislation, especially Chairman JOHN DINGELL and ranking member JIM BROYHILL of the Energy and Commerce Committee; Chairman JIM FLORIO and ranking member NORMAN LENT of the Commerce, Transportation and Tourism Subcommittee; and Chairman DAN ROSTENKOWSKI and ranking member BARBER CONABLE of the Ways and Means Committee. These Members and many others have done an outstanding job in drafting this Superfund legislation, and I congratulate their efforts.

Mr. Chairman, when Congress first voted to establish the Superfund Program in 1980, it was a major accomplishment for our country. With this program, we set in place a responsible mechanism for cleaning up the thousands of toxic waste disposal sites which have been discovered across the country, and for restoring the damage caused by these hazardous wastes.

At the same time, we sent a strong signal to industry that the days of reckless pollution are over, and that industry cannot operate in an environmentally unsound manner with impunity. Finally, we delivered a message of hope to the citizens of this country that they, their children and their grandchildren do not have to live in fear of contaminated water or poisoned soil.

Today, we have an opportunity to build on this effort by reauthorizing the Superfund Program for another 5 years and increasing its resources to $10.2 billion. This is a wise investment for our country and I would urge my colleagues to support this legislation.

The magnitude of the toxic waste disposal problem is difficult to comprehend. The Environmental Protection Agency has already identified some 17,000 dangerous waste dumps in the United States, with more sites being discovered at the rate of about 1,000 every 6 months. It is expected to cost more than $10 billion just to clean up the top 10 percent of sites on the Superfund list. This is an effort which could take decades to complete, even with the additional resources provided in this legislation. In view of the enormity of this task, it is essential that we move forward with this clean-up program, starting with a reauthorization of the Superfund.

When properly implemented, the Superfund Program can make a major difference. A good example of this is our recent experience with the Price's Pit Landfill in Atlantic County, NJ. Just 1 year ago, we faced a major crisis in Atlantic City—the Nation's most popular tourist resort. Pollution from an abandoned landfill known as Price's Pit had contaminated a portion of the well field which provides Atlantic City's drinking water. With the closing of the contaminated wells, Atlantic City faced a potential water shortage during the summer months when demand was at its highest.

Fortunately, we were able to utilize the resources of the Superfund Program to relocate the well field and avoid a water shortage in Atlantic City. At the same time, efforts are now underway to clean up the landfill itself, and remove whatever long-term threats may have existed to public health and safety in the area. I regret that the EPA was not able to move faster in responding to the Price's Pit problem. On balance, though, I believe this is a good example of what the Superfund Program can do when it is put to work.

Unfortunately, Price's Pit is one of the few toxic landfills in the country where significant progress has been made in alleviating the problem. In New Jersey alone, we now have 85 sites on the Federal Superfund priority list, with as many as 900 additional sites awaiting possible inclusion to the list. Although many of these sites are undergoing planning studies, there is very little remedial work actually underway. This situation is basically the same elsewhere around the country. The Superfund list keeps growing longer and longer, and the backlog in cleanup efforts increases week by week.

I believe the approach taken in this legislation for financing the cleanup program is the proper one, since it puts most of the financial burden on those who caused the pollution in the first place. In fact, some 87 percent of the costs of the Superfund Program will be financed through taxes on chemical feedstocks and crude oil. In addition, this legislation sets mandatory timetables for cleaning up hazardous waste sites, and sets strict liability standards for those who are found responsible for the pollution. Indeed my only major concern about the legislation is over some aspect of the liability standards which I hope to see modified during the amending process.

Mr. Chairman, we have no greater responsibility in Government than to protect the health and safety of our citizens wherever possible. The Superfund Program is a critical part of this effort, and I would strongly urge my colleagues to support the reauthorization of this program.

● Mr. FLORIO. Mr. Chairman, I would like to compliment Mr. MINISH, who presided over the Committee of the Whole during the debate on Superfund. This has been a long and difficult debate over a vital piece of legislation. It is through the efforts of Mr. MINISH as Chairman that we have produced the strong legislation that we have, and fulfilled the commitment we have made to pass legislation in the House that will clean up abandoned hazardous waste sites around the country.

I am pleased that Mr. MINISH agreed to serve as Chairman because I know of his strong commitment to a clear environment and his dedication to legislation which will clean up hazardous wastes. His leadership has been of vital importance to the passage of this bill today.●

● Mr. MOODY. Mr. Chairman, I would like to take this opportunity to expand my remarks concerning my Federal facilities floor amendment to the Superfund reauthorization bill.

My amendment is identical to a bill, H.R. 4760, I introduced this year and that received the bipartisan support of 66 of my colleagues. It is designed to handle a glaring omission in present practice of Superfund implementation by EPA. There are 519 uncontrolled hazardous waste sites in this country which are not monitored by the EPA. These sites are located in every State and in 275 congressional districts.

You may well ask: What makes these sites different from other hazardous waste sites? All of these sites are owned or operated by the Federal Government. Although Superfund and other pollution control laws require uniform compliance by federally and privately owned facilities, it is a little known fact that procedural noncompliance by Federal sites is rampant—it

is the rule rather than the exception. In effect, Federal facilities are omitted from compliance.

Federal agencies knowingly disregard the intent of Superfund through their use of Memoranda of Understanding. The Department of Justice and EPA have a longstanding blanket policy of never taking court action against noncomplying Federal agencies. Agencies maintaining polluting facilities have no incentive to rectify deficiencies or to negotiate seriously because regulatory authorities have rendered themselves powerless to compel compliance by administrative or judicial action. For example, EPA and the Department of Defense have a Memorandum of Understanding releasing EPA from cleanup responsibility for hazardous releases on DOD sites.

DOD maintains that its own cleanup program, the Installation Restoration Program, adequately handles their hazardous wastesite problems. Since the program began in 1975, a total of 11 remedial actions (cleanups) have been completed—all of them since 1981. As of June 30, 1984, of 460 DOD facilities requiring assessment, while two-thirds (307) had completed preliminary "Phase I" assessment, only 41 (9 percent) had made it through the "Phase II" field survey stage (similar to the EPA "RI/FS" process), and a mere 28 facilities—less than 7 percent—had progressed to the remedial action stage "Phase IV," with 17 cleanups underway and 11 completed. This record certainly does not show an active commitment to priority cleanup of DOD hazardous wastesites.

The danger potential of these Federal hazardous wastesites is mounting as delays in cleanup continue. In 1982, a contractor—Risk Science International [RSI]—to U.S. Chamber of Commerce attempted to compare the hazard potentials of certain DOD sites to those of the highest hazard private sites listed on the National Priorities List. RSI calibrated the Air Force's site scoring protocol against the MITRE protocol—which is the hazard ranking system used by EPA for private sites—and then estimated the scores and ranks that the Air Force's top 100 sites of concern might get under the MITRE scoring. This analysis concluded that all 100 of the Air Force's top 100 sites would have scored above the NPL cutoff score and thus would have merited inclusion on the NPL. And 33 of the Air Force's top 100 sites, located at 9 separate Air Force installations in 8 States, would have been included among the top 40 NPL sites.

While the level of danger at these Federal facilities has been established, the realization of this fact is compounded by the sheer number of Federal hazardous wastesites. As previously mentioned, there are 519 Federal installations. However, there are probably at least 1,100 to 1,400 individual Federal facility hazardous waste sites at the 519 Federal installations. These numbers are derived as follows: There is an average of 2.5 to 3 hazardous waste sites per DOD installation, at best, a conservative estimate by the DOD; DOD installations constitute 80 percent of those Federal installations; and assume 1 site per non-DOD Federal installation.

The goals of this amendment are to: treat Federal hazardous waste sites equally with privately owned sites and establish a process to ensure effective compliance by Federal sites with Superfund. It specifically would:

First establish a system of EPA and public notification of hazardous substance releases from federally owned or operated sites.

Second, require the EPA Administrator to establish a publicly accessible "Federal Agency Hazardous Waste Compliance Docket" containing information on the known nature and extent of environmental contamination, response actions taken, et cetera, at each federally owned or operated Federal facility;

Third, give EPA the responsibility to ensure that a preliminary assessment is conducted at each Federal Superfund facility;

Fourth, require EPA, where appropriate, to perform a hazard ranking on such facilities in order to prioritize them;

Fifth require EPA, where appropriate, to include such facilities on the NPL;

Sixth, require the Federal agency, in consultation with the EPA Administrator, to commence a remedial investigation and feasibility study ("RI/FS") within 6 months after inclusion of a facility which it owns on the NPL;

Seventh, require the EPA Administrator, within 90 days after completion of an RI/FS, to enter into an interagency agreement with the concerned Federal agency head, providing for the commencement of remedial action at the facility within 6 months, and, to the maximum extent practicable, to complete such remedial action within 2 years of the date of the agreement;

Eighth, require the Federal agency to explain in writing to the Administrator, if the remedial action is not completed within 2 years, an explanation of why such action was not completed;

Ninth, require each agency to submit annual reports to Congress concerning its progress in implementing the requirements of the amendment;

Tenth, reaffirm the unavailability of fund money to pay for the cleanup of federally owned or operated sites;

Eleventh, require the EPA Administrator to bring a section 106 abatement action against any agency which fails or refuses to comply with any requirement of the amendment;

Twelfth, reaffirm that all guidelines, rules, regulations, procedures, and criteria applicable to private facilities under Superfund—except those relating to bonding, insurance and financial responsibility—are also applicable to federally owned or operated facilities in the same manner and to the same extent.

My amendment will complement and enhance the reauthorization of Superfund by specifically closing a dangerous loophole that allows the exemption of federally owned or operated hazardous waste sites from compliance under the same standards experienced by private industry.●

● Mr. SYNAR. Mr. Chairman, the House is now considering H.R. 5640, the Superfund Reauthorization Act. I strongly support expansion and reauthorization of this critical hazardous waste cleanup program.

As chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, I have been active in overseeing this program and other matters related to the growing problems of hazardous and toxic waste disposal. As my colleagues know, EPA has estimated there are over 20,000 hazardous waste sites in this country, thousands of which may pose threats to public health and safety and the environment, and which will require cleanup. Clearly then, this situation does represent a ticking timebomb, and we must vigorously pursue this cleanup program. Because of this, there is little disagreement that Superfund not only must be reauthorized but must be greatly expanded in its size.

The legislation before us accomplishes those dual goals. However, I do have concerns over several issues related to the legislation.

First, I am disappointed that the Ways and Means Committee failed to include in the revenue portion of the bill a waste-end tax on those who dispose of hazardous and toxic wastes. I have supported such a program in the past and would have supported an amendment to authorize such a tax, had we had the opportunity to consider it.

Such a program should have replaced the automatic tax increase on petroleum, effective in 1987, which is contained in the legislation now before us. Obviously, it is my hope that the requirements in the bill for study of this matter and submission of recommendations to Congress on implementation of such a tax will provide us the basis on which to act in the 99th Congress.

H.R. 5640 as considered by the House also contained an untested Federal cause of action. I am not unsympathetic to the concept of establishing

a Federal cause of action for victims of toxic exposure. However, I have serious concerns over the wisdom of including these provisions in the Superfund reauthorization bill. First, the legislation should have been referred to the House Judiciary Committee for consideration and revision. These provisions represent an entirely new area of Federal tort law and I strongly believe it should have been subjected to close scrutiny by the appropriate committee of jurisdiction. Second, a Federal cause of action does not have to be linked with the Superfund reauthorization bill and, in my view, should not be linked. The purpose of the Superfund Program was, and is, to clean up hazardous and toxic waste sites. Should Congress decide to establish a Federal cause of action, it should do so as a separate measure and only after careful and deliberate consideration by the appropriate committees of Congress. I believe there are extraordinary potential pitfalls associated with precipitous action in this area. Accordingly, I supported the amendment to delete the Federal cause of action provisions from H.R. 5640.

For these, and other, reasons I also am compelled to oppose the amendment offered by our colleague from Georgia, Mr. LEVITAS, to permit up to 12 percent of the Superfund trust fund to be used to pay medical and other costs to victims of toxic exposure. Superfund was designed to clean up hazardous and toxic wastesites, and it should remain a program to do only that. Congress is always free to consider proposals to establish a victims compensation fund. However, much-needed cleanup revenues should not be drained off for any other purpose. This is particularly true in light of the fact that the number of potential claimants on such a fund is enormous. There could be extraordinary pressures on Congress to substantially expand the fund in the future, thereby draining even more trust fund revenues away from critical cleanup actions.

Even above and beyond these specific concerns, the legislation is not flawless. It is, however, important to move ahead with reauthorization of the program to ensure adequate funds and much-needed continuity to the program. Accordingly, I intend to support the measure. EPA has been slow in pursuing cleanup of serious hazardous waste sites around the country. Hopefully, this legislation will provide the impetus and the funds necessary for more vigorous implementation of the program.

The Senate has an opportunity and a responsibility to act on this issue in the weeks ahead. It is my hope that they will do so, in order to complete action on this important reauthorization prior to adjournment of the 98th Congress.●

● Mr. FRENZEL. Mr. Chairman, I have already said, repeatedly, that this bill is a poor one. It has been improved a bit, but it has a long way to go.

Despite my strong objections, I shall vote to send this bill forward in the hope that it can be repaired along the way.

The cleanup need is great, and the bill deserves a chance.

Without improvement, it still doesn't deserve enactment.●

● Mr. FEIGHAN. Mr. Chairman, the problem of leaking hazardous waste dumps is an environmental tragedy that affects all regions of the country. To help combat that problem, I rise in strong support of H.R. 5640, the "Superfund Expansion and Protection Act of 1984."

The Environmental Protection Agency's recent failure in the area of toxic waste is a national scandal. Not a single hazardous waste case was handed to the Department of Justice during the entire time that Anne Burford was EPA Administrator. Not one case, despite the presence of over 2,000 open dumpsites, over 16,000 abandoned dumpsites, and another 26,000 industrial storage or disposal sites throughout the United States. In Ohio alone, we have over 500 sites requiring immediate attention.

Cleaning up the millions of tons of toxic wastes that threaten the health and safety of Americans should be among the highest environmental priorities of our country. Yet the EPA for 3 years has acted as though the problem will solve itself. Clearly it will not.

That is why we must pass H.R. 5640, which reauthorizes and greatly strengthens the Superfund law. Superfund seeks to remedy serious threats to public health by providing for cleanup of abandoned hazardous waste dumps. It contains several important provisions:

Increases the funds available for cleanup from $1.6 billion to over $10 billion, still short of the $16 billion EPA estimates will be needed;

Provides a stringent mandatory schedule for preliminary assessment of potential sites, studies, plans, and cleanups at priority sites;

Permits citizens to petition EPA for preliminary assessment of potential sites, studies of health effects if people are exposed to hazardous chemicals, and replacement of drinking water or relocation if there is a significant risk to health; and

Permits citizens to sue to force private parties to stop any imminent and substantial endangerment to health or the environment, and to force EPA to do its job under the law.

Mr. Chairman, we cannot afford half-measures in our battle to cleanup the toxic waste dumps that are infecting our Nation. Passing H.R. 5640 is the least that we can do to revitalize Superfund. I urge all of my colleagues to support this important legislation.●

● Mr. BONKER. Mr. Chairman, I strongly urge my colleagues to support H.R. 5640, the Superfund Expansion and Protection Act. Toxic wastes present the most serious environmental problem our Nation faces. The cost, both in terms of human health and dollars, mushrooms each day we wait to take action.

Under this administration, only one Superfund site has been fully cleaned. The Environmental Protection Agency budget and its enforcement efforts have been slashed. This same administration now says Congress should wait for more study before strengthening and reauthorizing this most important of environmental laws.

The distinguished chairman of the subcommittee, Mr. FLORIO, has pointed out that EPA did wait to take action on the now famous Stringfellow site in California. The result of that delay, we now learn through a study conducted for the Office of Technology Assessment, is that the highly dangerous pesticide wastes are migrating and are expected to pollute the drinking water of 500,000 southern Californians.

There are few, if any, Members of this House who do not represent districts containing hazardous wastesites. While each of the projected 22,000 sites across the United States may not yet be a Stringfellow, many are ticking timebombs. We know that a site left untended may cost 10 times as much to clean later as it costs to clean now. Any Member who votes against this measure to save funds today buys the promise of vastly increased and necessary expenditures tomorrow.

In purely human terms, we cannot wait. The gentleman from New York [Mr. LAFALCE], who represents the Love Canal area, knows what waiting means. He pressed to protect residents in that area who waited for studies that initially indicated little danger and later spelled out the grave consequences.

My own district in southwest Washington State has a long list of EPA tallied and potentially dangerous sites that have yet to be comprehensively evaluated to determine the level of danger. Time and time again, the answer I receive in the field is, "There simply isn't the money." Cleanup at sites that have been evaluated at times is painfully slow. Each Member of this House can request a list of sites in his or her district from EPA. If this legislation fails, such lists will contain tomorrow's Love Canals.

What this legislation does is straightforward. It increases the current $1.6 billion Superfund Program to $10.2 billion for fiscal years 1986 through 1990. Of this amount, $7.9 billion will come from taxes on basic

chemicals and crude oil. The bill increases citizen rights by establishing clear liability. Citizens will also be able to sue EPA if the agency fails to carry out provisions of this act. I expect that the House will pass this crucial legislation today. I urge the Senate to do the same, and urge the President to sign the bill.

Critics of the bill have claimed that bringing this legislation to the floor in an election year is politically motivated, and in this sense they are correct: The American public has stated time and again that cleaning up toxic wastes is a No. 1 priority. At no time are Members more aware of their constituents' priorities than when an election approaches.

More importantly, the problems posed by toxic wastes in this Nation cannot wait for the artificial date of an election to pass.●

● Mr. COOPER. Mr. Speaker, I rise today in strong support of the amendment to H.R. 5640, the Superfund Expansion and Protection Act, that would identify and clean up superfund sites at Federal facilities in the same manner as privately owned sites. I compliment my colleagues on this excellent amendment, and on this through examination of the problem of hazardous wates.

If passed today, this amendment would eliminate a double standard that gives the Federal Government a free hand to carelessly poison the environment without regard for the public health. For example, for years the citizens of Hamblen County, TN, have enjoyed the benefits of Cherokee Lake, not knowing that the Hoslton River Ammunition Plant upstream does not have to comply with Federal pollution regulations. Farther down the same river at Oak Ridge, the home of this country's first plant has been releasing toxic chemicals into the water. This amendment would stop these dangerous practices.

When Federal agencies exempt themselves from pollution control you have a situation where any Federal agency is a potential timebomb that can endanger the public health. It's a double standard that's about the same as having the fox guard the henhouse.

This law would make sure that all hazardous wastesites—Government owned and privately owned—would be cleaned up if they endanger the public health. When the public health is concerned, no one should be above the law, and that includes Federal agencies whose primary duty is to protect the public.

This is a sensible and fair amendment, and I encourage each of my colleagues to support it.●

The CHAIRMAN. Are there further amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. MINISH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5640) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, pursuant to House Resolution 570, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONABLE

Mr. CONABLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONABLE. Irretrievably, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONABLE moves to recommit the bill, H.R. 5640, to the Committee on Ways and Means.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit offered by Mr. CONABLE.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLORIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 323, noes 33, not voting 76, as follows:

[Roll No. 373]

AYES—323

Ackerman	Anderson	Annunzio
Akaka	Andrews (NC)	Anthony
Albosta	Andrews (TX)	Applegate
Aspin	Goodling	Moody
AuCoin	Gore	Moore
Barnard	Gradison	Morrison (CT)
Barnes	Gramm	Morrison (WA)
Bates	Gray	Mrazek
Beilenson	Green	Murphy
Bennett	Gregg	Murtha
Bereuter	Guarini	Myers
Berman	Gunderson	Natcher
Bevill	Hall (IN)	Nelson
Biaggi	Hall (OH)	O'Brien
Bilirakis	Hall, Ralph	Oakar
Boehlert	Hamilton	Oberstar
Boland	Hance	Obey
Bonior	Harkin	Ortiz
Bonker	Harrison	Owens
Borski	Hayes	Oxley
Bosco	Hefner	Packard
Boxer	Heftel	Panetta
Breaux	Hertel	Parris
Britt	Hightower	Pashayan
Broomfield	Hiler	Patman
Brown (CA)	Holt	Patterson
Brown (CO)	Hopkins	Pease
Bryant	Horton	Penny
Burton (CA)	Hoyer	Pepper
Byron	Hubbard	Petri
Carney	Huckaby	Pickle
Carper	Hughes	Porter
Carr	Hutto	Price
Chandler	Ireland	Rahall
Chappell	Jacobs	Rangel
Chappie	Jenkins	Ratchford
Clay	Johnson	Ray
Clinger	Jones (NC)	Regula
Coats	Jones (OK)	Reid
Coelho	Jones (TN)	Richardson
Coleman (MO)	Kasich	Ridge
Coleman (TX)	Kastenmeier	Rinaldo
Collins	Kazen	Ritter
Conte	Kennelly	Rodino
Conyers	Kildee	Roe
Cooper	Kindness	Roemer
Coughlin	Kleczka	Roth
Courter	Kogovsek	Roukema
D'Amours	Kolter	Rowland
Darden	Kostmayer	Roybal
Daschle	Kramer	Russo
Daub	LaFalce	Sabo
Dellums	Lagomarsino	Savage
DeWine	Lantos	Sawyer
Dickinson	Latta	Schaefer
Dicks	Leach	Scheuer
Dingell	Lehman (CA)	Schneider
Donnelly	Leland	Schulze
Dowdy	Lent	Schumer
Downey	Levin	Seiberling
Dreier	Levitas	Sensenbrenner
Duncan	Lewis (FL)	Sharp
Durbin	Livingston	Shaw
Dwyer	Lloyd	Shuster
Dymally	Long (LA)	Sikorski
Dyson	Long (MD)	Siljander
Eckart	Lowery (CA)	Sisisky
Edgar	Lowry (WA)	Skeen
Edwards (AL)	Lujan	Slattery
Edwards (CA)	Luken	Smith (IA)
Emerson	Lungren	Smith (NE)
Erdreich	Madigan	Smith (NJ)
Evans (IA)	Markey	Snowe
Evans (IL)	Martin (IL)	Solarz
Fazio	Martinez	Solomon
Feighan	Matsui	Spence
Fiedler	Mavroules	Spratt
Fields	Mazzoli	St Germain
Fish	McCandless	Staggers
Flippo	McCloskey	Stangeland
Florio	McCollum	Stark
Foglietta	McDade	Stenholm
Foley	McGrath	Stokes
Ford (MI)	McHugh	Stratton
Ford (TN)	McKernan	Studds
Fowler	McKinney	Swift
Frank	McNulty	Synar
Franklin	Mica	Tallon
Frenzel	Michel	Tauzin
Frost	Mikulski	Thomas (CA)
Gaydos	Miller (CA)	Thomas (GA)
Gejdenson	Miller (OH)	Torres
Gekas	Mineta	Torricelli
Gephardt	Minish	Valentine
Gibbons	Mitchell	Vander Jagt
Gilman	Moakley	Vandergriff
Gingrich	Molinari	Vento
Glickman	Mollohan	Volkmer
Gonzalez	Montgomery	Walgren

Walker	Williams (MT)	Wright
Watkins	Williams (OH)	Wyden
Waxman	Wilson	Wylie
Weaver	Winn	Yates
Weber	Wirth	Yatron
Weiss	Wise	Young (FL)
Wheat	Wolf	Young (MO)
Whitley	Wolpe	Zschau
Whitten	Wortley	

NOES—33

Archer	Edwards (OK)	Olin
Bartlett	English	Paul
Bliley	Hammerschmidt	Roberts
Broyhill	Hansen (ID)	Robinson
Cheney	Hansen (UT)	Shumway
Conable	Hunter	Smith, Denny
Corcoran	Hyde	Stump
Craig	Kemp	Sundquist
Crane, Philip	Lewis (CA)	Taylor
Daniel	Mack	Vucanovich
Dannemeyer	Nielson	Young (AK)

NOT VOTING—76

Addabbo	Garcia	Nichols
Alexander	Hall, Sam	Nowak
Badham	Hartnett	Ottinger
Bateman	Hatcher	Pritchard
Bedell	Hawkins	Pursell
Bethune	Hillis	Quillen
Boggs	Howard	Rogers
Boner	Jeffords	Rose
Boucher	Kaptur	Rostenkowski
Brooks	Leath	Rudd
Burton (IN)	Lehman (FL)	Schroeder
Campbell	Levine	Shannon
Clarke	Lipinski	Shelby
Coyne	Loeffler	Simon
Crane, Daniel	Lott	Skelton
Crockett	Lundine	Smith (FL)
Davis	MacKay	Smith, Robert
de la Garza	Marlenee	Snyder
Derrick	Marriott	Tauke
Dixon	Martin (NC)	Towns
Dorgan	Martin (NY)	Traxler
Early	McCain	Udall
Erlenborn	McCurdy	Whitehurst
Fascell	McEwen	Whittaker
Ferraro	Moorhead	
Fuqua	Neal	

□ 1920

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 587. Joint Resolution designating the month of August 1984 as "Ostomy Awareness Month";

H.J. Res. 600. Joint Resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States;

H. Con Res. 349. Concurrent resolution authorizing changes in the enrollment of House Joint Resolution 600; and

H. Con Res. 351. Concurrent resolution providing for a conditional adjournment of the two Houses from August 10, 1984, until September 5, 1984.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6040) "An Act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 3, 4, 6, 9, 11, 16, 20, 27, 40, 55, 58, 63, 76, 81, 84, 87, 92, 96, 103, 132, 144, 147, 156, 158, 160, 164, 166, 195, 201, 205, 209, 210, and 214 to the above-entitled bill.

The message also announced that the Senate recedes from its amendments numbered 155, 159, 162, and 208 to the above-entitled bill.

□ 1930

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5640, SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimouns consent that in the engrossment of the bill (H.R. 5640) the clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matters therein, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MICHEL. Mr. Speaker, reserving the right to object, would the gentleman also include in that a request for 5 days on the Conable amendment?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, I would certainly include that, and it is my view that the Conable amendment would have been included in my unanimous-consent request.

Mr. MICHEL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR INCLUSION OF CORRESPONDENCE RELATIVE TO H.R. 5640, SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

Mr. DINGELL. Mr. Speaker, the rule on H.R. 5640 provided for the linkage between RCRA and the Superfund legislation. Because of understandings with our good friends and colleagues on the minority side and because of a letter which I received, along with my good friend and colleague, the distinguished gentleman from North Carolina [Mr. BROYHILL], from our colleagues on the Senate side, Senator STAFFORD, Senator RANDOLPH, and Senator CHAFEE, I will not make that request.

I ask unanimous consent, however, Mr. Speaker, that in view of the commitments on the part of the Senate to pass Superfund legislation during this session that I be permitted to insert the correspondence between me and my distinguished colleagues.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, August 7, 1984.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, the Capitol, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request a hearing before the Rules Committee at the earliest opportunity on H.R. 5640, the Superfund Expansion and Protection Act of 1984.

H.R. 5640 was referred jointly to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means. The legislation was ordered reported by the Committee on Energy and Commerce on June 21 by a vote of 38 to 3 and the Committee's report (H. Rept. 98-890, Part I, copy enclosed) was filed in the House on July 16. On July 31, the Committee on Public Works and Transportation was discharged from further consideration of the bill. On August 2, the Committee on Ways and Means ordered the bill favorably reported to the House, with an amendment, by a vote of 37 to 5. The legislation is now presented to the Rules Committee for its consideration under the timetable agreed to with the leadership by the Committees of jurisdiction.

H.R. 5640 is cosponsored by more than 100 Members of Congress and enjoys broad bipartisan support in the House. The fundamental purpose of the legislation is to accelerate the monumental and critical national task of cleaning up the thousands of toxic waste dumpsites that pollute our land and water and threaten the health of our citizens. Preventing further serious adverse health and environmental problems arising from unsafe hazardous chemical waste sites remains the number one environmental problem confronting the nation during this decade.

Unfortunately, as scores of congressional hearings have documented, four years after

its enactment the Superfund program has fallen far short of the expectations and goals of the original legislation. Many of the problems were a result of program mismanagement during the first three years of its existence which, in turn, resulted in replacement of most of the Environmental Protection Agency's top officials. Today, only six of the most dangerous sites have been cleaned up by the Superfund, and the EPA expects to identify a total of more than 2,200 dangerous sites over the next several years. While new leadership at the Agency has improved program management, the cleanup effort is seriously underfunded and the ineffectiveness of the program to date has produced a crisis of public confidence in our national ability to cope with the toxic dump problem, as well as reinforced the fears of those of our citizens living in the vicinity of hazardous waste sites.

Legislation to reauthorize and strengthen the Superfund program and establish a sorely needed avenue of judicial relief for persons injured by chemicals leaching from toxic waste sites into our land, air and drinking water is urgently needed. Enactment of legislation in advance of scheduled expiration of the program next year is essential to create the stable, predictable environment that is vital to sound program planning, administration and management. In short, enactment of H.R. 5640 prior to the adjournment of the 98th Congress is critically necessary to place the Superfund program on a sound and effective footing and rebuild public confidence in our national cleanup effort.

Therefore, I respectfully request that the Committee on Rules grant a modified open rule for the consideration of H.R. 5640 which affords fair opportunity for debate and amendment under expeditious and orderly procedures. I request that the rule provide for three hours of general debate, with one hour each to be controlled by the Committees of Energy and Commerce, Public Works and Transportation, and Ways and Means, and with the time allotted to each Committee to be divided equally between the Chairman and Ranking Minority Member of such Committee. I further request that the rule make in order as original text for purposes of amendment a Committee Print of August 7 which reflects H.R. 5640 as reported by the Committee on Energy and Commerce but incorporating Title V as adopted by the Committee on Ways and Means. I also request that the Committee on Rules make in order only those amendments printed in the Congressional Record of Wednesday, August 8, 1984, and that the bill be read for amendment by title.

The Committee on Ways and Means has requested a closed rule for consideration of Title V of H.R. 5640. On behalf of the Committee on Energy and Commerce, I am constrained to oppose this request. Although H.R. 5640 was not divided for reference among the committees of jurisdiction, the Committee on Energy and Commerce, in the spirit of comity, did not consider amendments to those sections of Title V which amend the Internal Revenue Code. Instead, the Committee followed a procedure whereby Members made motions embodying revenue recommendations with respect to H.R. 5640. Those motions agreed to by the Committee were included in the report of the Committee (H. Rept. 98-890, Part I, pp. 76-83) and transmitted to the Committee on Ways and Means as recommendations.

The Committee on Energy and Commerce agreed that those recommendations not incorporated in the version of H.R. 5640 approved by the Committee on Ways and Means would be brought to the attention of the Committee on Rules, with the request that the Rules Committee make in order Floor amendments reflecting such recommendations. The Committee on Rules was advised of the procedure followed by the Energy and Commerce Committee by letter dated July 27, 1984 (copy enclosed).

Accordingly, I respectfully request that the Committee on Rules grant a rule making in order the following amendments to Title V: An amendment allowing the termination of taxes when the balance of unobligated funds in the Superfund trust fund reaches certain levels; an amendment providing for reduced taxation of recycled metals; and an amendment providing for certain import taxes relating to chemical feedstocks.

In addition to these amendments, I also request that two other amendments be made in order to the tax provisions of Title V. These amendments would restore tax provisions in H.R. 5640 which were important to certain Members of the Committee but which the Committee on Ways and Means eliminated entirely in its amendment to Title V. The amendments are: An amendment exempting copper from the list of taxable feedstock chemicals and metals; and an amendment providing for taxation of the disposal of hazardous substances.

I also request that the Rules Committee make in order amendments to the authorizing provisions of Title V of the legislation, which are within the jurisdiction of the Committee on Energy and Commerce.

On November 3, 1983, the House overwhelmingly approved H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. That legislation reauthorizes and strengthens the hazardous waste regulatory program, which requires safe handling of hazardous wastes from the point of generation through final disposal and is designed to prevent a recurrence of the past unsafe disposal practices that created the very problems addressed by the Superfund program and H.R. 5640. The two programs are interdependent and address the prospective and retrospective aspects of the toxic waste problem. Indeed, S.757, the counterpart to H.R. 2867 passed by the Senate only two weeks ago, contains significant amendments to the existing Superfund law and addresses the dangers, also addressed in H.R. 5640, posed by leaking underground gasoline storage tanks.

The Congress now has a unique and compelling window of opportunity within which to address the full spectrum of the interrelated hazardous waste problems by considering together bills amending both organic statutes. It would be unfortunate, indeed, if the Congress were to abandon the opportunity—and the challenge—to forge a comprehensive, integrated national policy on the hazardous waste issue and continue its record of progress in the effort to bring the nation's most dangerous environmental problem under control. Therefore, I request also that the rule provide that following passage of H.R. 5640 by the House, it shall be in order to proceed to the consideration of the Senate amendments to H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983; to amend the Senate amendments with a substitute containing the texts of H.R. 2867 and H.R. 5640 as passed by the House; and to move to request a conference with the Senate.

Mr. Chairman, H.R. 5640 is critically important environmental legislation, and I greatly appreciate the action you have taken in promptly scheduling a hearing before your Committee on this measure. Expeditious action by the Rules Committee will provide the House with the opportunity to consider this vital legislation prior to the August recess and facilitate its enactment into law prior to the adjournment of the 98th Congress.

With warm regards,

Sincerely,

JOHN D. DINGELL,
Chairman.

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS,
Washington, DC, August 9, 1984.

Hon. JOHN D. DINGELL,
Chairman;
Hon. JAMES T. BROYHILL,
Ranking Minority Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR JOHN AND JIM: We are writing to urge that you do not link reauthorization of Superfund to reauthorization of the Resource Conervation and Recovery Act (RCRA). A move to connect the two bills will unnecessarily complicate matters and will delay final action on the RCRA bill.

As members of the Senate who are committed to seeing an strong Superfund bill enacted this year, we are in the process of marking up such a bill in the Committee on Environment and Public Works. It is our intention to complete markup in early September.

Bills to reauthorize and strengthen RCRA have already been passed in both chambers and are ready to be dealt with in conference. These bills are important measures in their own right and enactment of RCRA amendments should not be delayed. In the interest of assuring enactment of both RCRA and Superfund this year in our mutual efforts to protect human health and the environment, we urge you to refrain from attaching Superfund to RCRA.

Good luck with Superfund. We look forward to working with you.

Sincerely yours,

ROBERT T. STAFFORD,
Chairman.
JENNINGS RANDOLPH,
Ranking Minority Member.
JOHN H. CHAFEE,
U.S. Senator.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, August 10, 1984.

Hon. ROBERT T. STAFFORD,
Chairman;
Hon. JENNINGS RANDOLPH,
Ranking Minority Member;
Hon. JOHN H. CHAFEE,
U.S. Senator,
Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR BOB, JENNINGS, AND JOHN: Thank you for your letter of August 9 urging Congressman Broyhill and me not to link reauthorization of Superfund to the reauthorization of the Resource Conservation and Recovery Act (RCRA).

I am pleased that you, too, are committed to seeing a strong Superfund bill enacted this year. I am concerned, however, that our efforts may be stymied by the limited time remaining in this legislative session and the determined opposition of the Administra-

tion. It would be unfortunate, indeed, if legislation to accelerate the toxic dump cleanup effort under an expanded and strengthened Superfund program were to fall victim to election year pressures.

As you know, the House passed its RCRA bill on November 3, 1983. The Senate followed suit on July 24, 1984, almost nine months later. Superfund legislation has already cleared four House Committees and passed overwhelmingly in the House. The House stands prepared to go to conference on this critical measure as soon as the Senate acts. While I am pleased that you intend to complete markup in the Senate Environment and Public Works Committee in early September, I am sure you can understand my concern that time and the Administration may conspire to prevent enactment of strengthened Superfund legislation this year.

Nevertheless, based on your assurances that enactment of both the RCRA and Superfund bills will be accomplished this year if these measures are not linked by the House, I will not press this course of action. I look forward to prompt passage of Superfund legislation by the Senate so that we may achieve our mutual goals.

Best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

APPOINTMENT OF CONFEREES ON H.R. 2867, HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

The Chair hears none, and, without objection, appoints the following conferees:

For consideration of the House bill and the Senate amendments except for section 28(c) of the Senate amendment: Mr. DINGELL, Mr. FLORIO, Ms. MIKULSKI, and Messrs. TAUZIN, ECKART, DOWDY of Mississippi, BROYHILL, LENT, and RITTER.

Solely for consideration of section 28(c) and modifications thereof committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, CONABLE, and DUNCAN.

Solely for consideration of sections 29 and 45 of the Senate amendment and modifications thereof committed to conference: Messrs. WAXMAN, SCHEUER, and MADIGAN.

Solely for consideration of section 3 of the House bill and modifications thereof committed to conference: Mr. SHELBY.

Solely for consideration section 5 of the House bill and modifications thereof committed to conference: Mr. BREAUX.

There was no objection.

ADOLESCENT FAMILY LIFE DEMONSTRATION PROGRAM EXTENSION

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2616) to extend the Adolescent Family Life Demonstration Program, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MADIGAN. Mr. Speaker, I reserve the right to object.

Mr. DINGELL. Mr. Speaker, will the gentleman from Illinois yield to me?

Mr. MADIGAN. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I wish to assure my dear friend, the gentleman from Illinois, that the amendment in the nature of a substitute which will be offered represents exactly the provisions of H.R. 5600; simple extensions of title X and title XX of the Public Health Service Act, and reauthorization of the Preventive Health and Health Services block grant.

Mr. MADIGAN. Mr. Speaker, under my reservation, I would ask the gentleman from Michigan if that represents the exact language that was in the bill as it passed the House of Representatives.

Mr. DINGELL. That is correct, exactly that language.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2010(a) of the Public Health Service Act is amended by striking out "and" after "1983," and by inserting before the period a comma and "$30,000,000 for the fiscal year ending September 30, 1985, $30,000,000 for the fiscal year ending September 30, 1986, and $30,000,000 for the fiscal year ending September 30, 1987".

(b) Section 2001(a)(5) of such Act is amended to read as follows:

"(5) pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in severe adverse health, social, and economic consequences, including: a higher percentage of pregnancy and childbirth complications; a higher incidence of low birth weight babies; a higher frequency of developmental disabilities; higher infant mortality and morbidity; a greater likelihood that an adolescent marriage will end in divorce; a decreased likelihood of completing schooling; and higher risks of unemployment and welfare dependency; and therefore, education, training, and job search services are important for adolescent parents;".

(c) Section 2001(b)(3) of such Act is amended by inserting "both" before "for pregnant adolescents" in the matter preceding subparagraph (A).

(d) Section 2002(a)(4)(H) of such Act is amended by striking out "and referral to such services".

(e) Section 2008(g) of such Act is repealed.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DINGELL moves to strike all after the enacting clause of the Senate bill, S. 2616, and to insert in lieu thereof the provisions of H.R. 5600, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to revise and extend the programs of assistance under titles X and XX of the Public Health Service Act."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2616

Mr. DINGELL. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Committee on Energy and Commerce, I move to take from the Speaker's table the Senate bill, S. 2616, with the House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. DINGELL].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, BROYHILL, and MADIGAN.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5297, CIVIL AERONAUTICS BOARD SUNSET ACT OF 1984

Mr. MINETA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mr. MINETA. Mr. Speaker, if the gentleman will yield, yes, it has been cleared with the minority. The gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from Kentucky [Mr. SYNDER] are both aware of it. They are aware of the request, as well as the naming of the conferees.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

The Chair hears none, and, without objection, appoints the following conferees: Messrs. MINETA, ANDERSON, ROE, SNYDER, and HAMMERSCHMIDT.

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., FRIDAY, AUGUST 17, 1984, TO FILE REPORT ON H.R. 6031, MONEY LAUNDERING PENALTIES ACT OF 1984

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m., Friday, August 17, 1984, to file its report on the bill, H.R. 6031, the Money Laundering Penalties Act of 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. OXLEY. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New Jersey.

Mr. HUGHES. Yes. All we are asking to do is file the report.

Mr. OXLEY. Has it been cleared?

Mr. HUGHES. All we are doing is filing our report.

Mr. OXLEY. The question is, has it been cleared?

Mr. HUGHES. Mr. Speaker, all we are asking to do is file a report on a bill that was reported unanimously and that is part of the omnibus crime package that the President wants.

Mr. OXLEY. Mr. Speaker, I will ask, has it been cleared with the gentleman from New York [Mr. FISH] or any of the members of the Committee on the Judiciary?

Mr. HUGHES. I have not talked with any of the members. That is because I have never been questioned about filing a report.

Mr. OXLEY. Further reserving the right to object, Mr. Speaker, if I could, I will ask the gentleman just to suspend until we can get that cleared, and he can bring it up in a few minutes.

The SPEAKER pro tempore. The request is withdrawn.

AMENDING CONDITIONS OF A GRANT OF CERTAIN LANDS TO THE TOWN OF OLATHE, CO

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1547) to amend the conditions of a grant of certain lands to the town of Olathe, CO, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to grant certain lands to the town of Olathe, Colorado, for the protection of its water supply", approved March 3, 1919 (40 Stat. 1317), is amended by—

(1) striking out "to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipelines and waterworks system of said town";

(2) striking out *"And provided further,* That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided."; and

(3) adding at the end thereof the following: *"And provided further,* That in the event that the lands or any part thereof are sold or otherwise alienated by the town of Olathe on or before January 1, 1994, except as a consequence of a judgment at law or equity to recover sums owed by the town pursuant to a mortgage, sale to trustee, or similar agreement entered into by the town in order to secure funds for public purposes, directly related to repair, maintenance, or modernization of the reservoirs, water supply pipelines, or waterworks system of the town, the proceeds of such sale (excluding the value of any improvements made by the town) or the fair market value of the lands or part thereof (excluding the value of any improvements made by the town) at the time of such sale or alienation, whichever amount is greater, shall be paid to the United States by the town.".

Mr. SEIBERLING. Mr. Speaker, this Senate-passed bill is essentially identical to one sponsored by the gentleman from Colorado [Mr. KOGOVSEK] which passed the House on May 17, 1983. It would change the terms under which the town of Olathe, CO, now holds certain lands which it obtained from the United States pursuant to a 1919 act of Congress.

The act permitted the town to buy the surface estate in about 640 acres which the town wanted for its reservoir and water supply system. The minerals were reserved to the United States. The purchase price was set at $1.25 per acre and the town was required to take the lands subject to a reverter clause which provides that the lands will revert to the United States if the town attempts to sell the lands or uses them for any other purpose.

The town has constructed and maintained a system of water storage and delivery using these lands. Until recently, this was the sole source of domestic water for the town. Now the town participates in a local water authority which furnishes treated domestic water to several communities, but it wants to retain the water rights which are based on maintenance and use of the reservoir and supply system built on the lands obtained under the 1919 act. Those rights currently are their backup water supply, and also are a valuable asset to the town.

The identical House and Senate bills would amend the 1919 act by removing the explicit limitations on use of the land and the reverter clause. The bill would insert new language providing that the town could immediately pledge the lands to raise money for repair and maintenance of the water system but until 1994 would have to forfeit to the United States any profit from a sale of the lands, to the extent that the proceeds—or the fair market value—might exceed the value of the improvements made by the town. The practical effect, of course, would be to deprive the town of any incentive for selling the lands for at least 10 years. This balances the equities and is the same compromise the House approved last year.

Mr. Speaker, I do not understand why the Senate has chosen to send us the Senate bill, since it is really the same as the bill we passed last year. They could have dealt with the House bill. However, I think that the important thing is that the town of Olathe be assisted in the way that either the House or Senate bills would assist them, so that they can go ahead and improve their water system. Therefore, I urge passage of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REQUIRING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS AND IMPROVEMENTS TO THE CITY OF BRIGHAM CITY, UT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2036) to require the Secretary of the Interior to convey to the city of Brigham City, UT, certain land and improvements in Box Elder County, UT, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), when the Secretary of the Interior ceases to use the remaining Federal property at the Intermountain Indian Boarding School for Indian school purposes he shall publish the legal description of such property in the Federal Register, and shall convey, by quitclaim deed and without consideration, to the city of Brigham City, Utah, all right, title, and interest of the United States in and to such land, including any improvements thereon.

Mr. SEIBERLING. Mr. Speaker, this Senate-passed bill is similar to a bill sponsored by the gentleman from Utah [Mr. HANSEN] which was the subject of a hearing in the Subcommittee on Public Lands and National Parks earlier this year. It would provide for the transfer to the city of Brigham City, UT, of certain properties which have been used by the Bureau of Indian Affairs for a boarding school for Indian students from several States. the BIA is closing that school, and it will not be used in the coming school year.

The school facilities involved evidently are in need of fairly extensive renovation and repairs, and the BIA has decided that it would not make sense for them to retain the property once the school is closed. This bill would provide for transfer of the property to the city.

At our hearing, the city presented some good arguments in favor of this transfer. In particular, the history of the property is that it was purchased by the city in 1942, and was donated to the Federal Government for use as an Army hospital. The city paid for and installed the essential public services for the property including electrical power, water and sewer lines, and access roads. So, the city has had a long involvement with the property and they want to be able to continue to have it used for the benefit of the city and its citizens.

At our hearing, the administration testified that they had no objection to the proposed legislation. The school is closed, and while there was some debate over whether it should have been closed, I understand that that too is a settled matter. So, I think we should go ahead now and pass this bill, as the Senate has already done; that way the Federal Government can transfer the property as soon as possible, which will minimize further Federal expenses for maintenance, security, and the like. I urge approval of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ELIMINATING REQUIREMENT THAT A PORTION OF THE BALTIMORE-WASHINGTON PARKWAY IN MARYLAND BE CONVEYED TO THE STATE OF MARYLAND

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 5531) to eliminate the requirement that the portion of the Baltimore-Washington Parkway located in the State of Maryland be conveyed to the State of Maryland upon completion of the reconstruction of the parkway authorized by the Federal-Aid Highway Act of 1970.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, the Secretary of the Interior shall not be required to convey to the State of Maryland any portion of the Baltimore-Washington Parkway located in the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such portion. Funds authorized by such section may be expended without regard to any requirement of such an agreement that such portion of the Baltimore-Washington Parkway be conveyed to the State of Maryland.

Mr. SEIBERLING. Mr. Speaker, H.R. 5531 would delete the requirement in the Federal-Aid Highway Act of 1970 that the Secretary of the Interior convey to the State of Maryland a 19-mile section of the parkway under the Secretary's jurisdiction.

The Federal-Aid Highway Act of 1970 authorized $65 million to reconstruct the 19-mile portion of the Baltimore-Washington Parkway known as the Gladys Noon Spellman Parkway. However, the expenditure of funds was contingent upon an agreement that no funds would be expended until the State of Maryland had agreed to accept conveyance of it. An agreement to this effect was signed on June 9, 1970. The State of Maryland has subsequently notified the National Park Service that the State will not accept conveyance of this 19-mile segment of the parkway. Meanwhile, no major repairs have been done during this period, and the parkway needs rehabilitation.

Mr. Speaker, since no funds may be expended by the National Park Service until the limitation in the 1970 act is lifted, and since this segment of highway is in need of repair, I would urge my colleagues to support this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1797, THE TRAPPER BILL

Mr. HARKIN. Mr. Speaker, I ask unanimous consent to remove my name from the list of cosponsors of H.R. 1797, the Trapper bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 518

Mr. BROWN of Colorado. Mr. Chairman, I ask unanimous consent that the name of the gentleman from Texas [Mr. VANDERGRIFF] be removed as a cosponsor of House Resolution 518.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONGRATULATIONS TO GOLD MEDAL WINNER ROWDY GAINES

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, it is with great pride that I wish to congratulate a recent gold medal winner in the 1984 Summer Olympic Games, Rowdy Gaines, who has compiled an incredible record, during his illustrious swimming career. While a student at Auburn University, Rowdy held the world record in the 100 and 200 meter freestyles, and was a 22-time all-American. During 1980, Rowdy was named the World Swimmer of the Year, and was favored to win four gold medals in the Moscow Olympics if the United States had not boycotted the event.

One year later, Rowdy went on to be named the outstanding athlete in the Southeastern Conference, and also the recipient of the prestigious Cliff Hare Award which states, "Athletics makes men strong, study makes men wise, and character makes men great." This quote described Rowdy Gaines perfectly because he was not only a great athlete, but also a great student and person.

In 1982, Rowdy Gaines was named one of the top five student-athletes in the entire NCAA, and throughout his college career was a spokesman for the American Leukemia and Cancer Society.

The August 13 issue of Sports Illustrated had this to say about Rowdy Gaines:

> The American male swimmer most torn by the '80 boycott was Rowdy Gaines, now 25, who almost certainly would have won two individual and three relay gold medals in Moscow. Gaines crashed mentally in '82 and '83, losing all confidence in his free-style sprinting. Before the July 31 100, his first Olympic final, Gaines was still having doubts. "I was prepared not to win," he would say later. "Afterward I was going to say I was real honored and proud to swim against the guy who won. I was going to say I was proud of my career."
>
> After a calming afternoon talk with Caulkins—"I was bouncing off the walls; she's so soothing," Gaines said—he went to the pool. He'd been given one piece of advice by his longtime coach, Richard Quick. "I'd noticed that the starter in the men's events had been pulling a pretty quick trigger," said Quick. "I told Rowdy to get right down on the blocks and make sure he wasn't rolling back." Indeed, the starter, a Panamanian, had been harshly criticized at other international meets for failing to give swimmers time to set themselves. When the eight finalists in the 100 free lined up, the Panamanian again fired too soon.
>
> Gaines, using a sprint-type start, caught the gun perfectly. His two top rivals, U.S. trials champion Heath and Mark Stockwell of Australia, didn't. "It wasn't a fair start," Stockwell would say later. "I thought the starter would call everybody back." But he didn't. Heath, a poor starter under the best of circumstances, was hopelessly behind before even hitting the water. Stockwell closed to within a foot of Gaines at the 50, but then watched Gaines pull away. He finished in 49.80, his best time in three years, with Stockwell almost half a second back.
>
> Gaines was in disbelief. He grabbed his head with his hands. He was smiling, laughing, peeling off layers of joy. He knew he'd made the right decision, staying with swimming. Whatever he'd been through, this was worth it.
>
> Australia filed a protest over the start, but it was disallowed. Stockwell spoke bitterly. "Do they think that they can change the rules here in America in order to win, or what?" he asked. "I'm trying to be a good sport about this, but I really am disgusted."
>
> Appreciation for Gaines soon overwhelmed any ill feelings. "Rowdy shouldn't be tainted by this," said Gambril. "He didn't shoot the gun." Stockwell, embarrassed by his earlier remarks, apologized to Gaines and said he wished there had been no protest. Before the 4 × 100 free relay later in the week, he would show Gaines a few break-dancing moves. On the 100 victory stand Gaines was still overwhelmed. During the national anthem he was struggling just to move his mouth. "I was trying to sing it. . . I was just shakin' up there. The words wouldn't come out," he said.
>
> Gaines earned his second and third gold medals with strong anchor legs in the 400-free and 400-medley relays. And the emotions continued to swell. Free relay gold medalist Matt Biondi, 18, whom Gaines said he "hadn't even heard of" until the Olympic trials, called Gaines the idol he most hopes to live up to. "Rowdy's just been so helpful to me since the trials," Biondi said. "You wouldn't believe it."

Mr. Speaker, our Nation is blessed with many great athletes, and I am proud of each one who has participated in these 1984 Summer Olympic Games. Rowdy Gaines will retire from swimming following these games, and I wish for him continued success in life, and may he be a shining example to all of those young people throughout our Nation and world, who will one day "Go for the Gold" and be Olympic champions.

GENEVA INTERPARLIAMENTARY CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 60 minutes.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material pertaining to this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I have requested this special order so that Members of the House who attended a recent meeting of the Interparliamentary Union can report on the accomplishments of that meeting.

Eight Members of the U.S. Congress, including 5 Members of this body, were active participants in the 71st Interparliamentary Conference held in Geneva, Switzerland, the first week of April. Congress was well represented by distinguished Representatives HAWKINS, HALL, HUBBARD, HYDE, and BOEHLERT as well as Senators STAFFORD, BURDICK, and DECONCINI. Besides the representation from our Congress, 439 members of Parliaments from 89 different countries attended the meeting in Geneva. The conference was also closely followed by international organizations such as the United Nations agencies.

The delegates from the United States were particularly forceful and eloquent at this IPU meeting in presenting views of the American people on a number of important international matters, such as arms control and disarmament, population and employment. All five of the House Members intervened during the plenary debates and committee deliberations of the IPU. Early during the session, Representatives BOEHLERT and HUBBARD made important points on the matter of arms control and disarmament. Senator BURDICK and Representative HUBBARD stressed the need for certain measures in the population area. Toward the end of the plenary sessions, Representative HAWKINS outlined proposals for concrete international attention to employment problems. So that other Members of this body can appreciate the fine presentations, I insert the formal plenary speeches at the end of this special order.

Besides the formal plenary debate, U.S. delegates were active in the established study committees. Representatives HALL and HYDE worked on the Political Committee dealing with the difficult matters of the Mideast situation and arms control and disarmament. Representative HALL and Senator DECONCINI were intensely active in the subcommittee that worked on drafting a resolution on the arms control issue. And both Representative HUBBARD and Senator BURDICK worked in the Economic Committee where the population issue was under consideration.

Geneva is the headquarters for the IPU secretariat and is also the home base of many international organizations. The U.S. delegation was very privileged to receive much information on the multilateral negotiations and operations currently being conducted in Geneva. As the United States continues to participate in international affairs through the many established institutions, it is increasingly impor-

tant that our positions become clearer and that we make maximal use of the machinery available for promoting international peace and prosperity and the other worthy international goals we do support.

In this regard, our own participation in the IPU is ever more important as we continue to see criticism of international organizations and international behavior. For it is in the IPU that many of the international differences are sorted out and where others can grow to appreciate, if they do not already, the commitment of our people to positive, beneficial changes in international life. U.S. representatives can also give support for improving international mechanisms by strong participation in the IPU.

From the statements of our delegates to the IPU Geneva meeting and from reports I have received on their activity in and around the assembly hall there, I see that our country was well served.

I urge more of our colleagues to consider the process of international dialog that the IPU provides. The IPU is a unique international forum for debate. It is through the IPU that greater international understanding is possible. I think we should give great credit to the Members of this Chamber who attended the recent meeting in Geneva.

The speeches follow:

STATEMENT OF REPRESENTATIVE SHERWOOD L. BOEHLERT

ARMS CONTROLS AND DISARMAMENT

Fellow parliamentarians; there is a decided frustration as, once again, we take up the subject of arms control and disarmament. Interparliamentary conferences have focused on this crucial area of concern for decades. Yet progress is painfully slow. There is a great deal of eloquent talk, but unfortunately very little meaningful action.

I often fear that at some future date we may look back and conclude that our present verbal battles had very little consequence while the explosives were rapidly prepositioned and the brush fires started that led to world conflagration.

This frightening prospect makes it urgent that our discussions focus directly and insistently on necessary actions and not be bogged down in idle rhetorical exchanges. The world situation is too precarious for us to become self-satisfied when we score debating points.

The people of the United States realize the urgency of the present predicament. In our Congress, we have intensely debated nuclear weapons control and reduction proposals. In the House of Representatives, where I serve, approval was given to a nuclear freeze resolution, one calling upon the United States and the U.S.S.R. to conclude an agreement which is mutual and verifiable. While a freezing of our respective nuclear arsenals at present levels was the stated immediate goal of the legislation, our longer range objective is clearly a mutual reduction in these weapons with the hope and expectation that such action will make the world safer for us all.

Across our land there is a healthy debate on the freeze issue as well as widespread public concern about the lack of disarmament progress.

We have national support for moving ahead with the specific arms negotiations that are underway. In all of them there are prospects for tangible accomplishments, some of which could be realized very soon. The United States is very willing to press negotiations. We are also ready to resume the Strategic Arms Reduction Talks and the Intermediate Range Nuclear Forces Talks with the Soviet Union. It is up to the Soviet Union to return to these talks.

The tensions between the United States and the Soviet Union in particular must be placed in the conference arena. A meeting between the leaders of these countries to sort out their differences is long overdue. How can this reality be ignored?

Speaking as one member of our representative parliament, but confident of my colleagues' widespread support for the proposal, an early summit between the leaders of our two superpowers would have a calming influence on an unsteady world. If a journey of a thousand miles starts with the first step, an agreement of global value in the area of arms control and disarmament must commence with an exchange of initial words between our leaders.

Think about it, when was the last time the leaders of the United States and the U.S.S.R. met? The precise date, time and place are of little consequence for purposes of this discussion. What is important to realize is that it was far too long ago. That must change.

It is disappointing, even frightening, to acknowledge that for the 15-month period during which Mr. Andropov was the leader of the U.S.S.R. and Mr. Reagan was the leader of the United States, the two never met. Common sense leads one to conclude that was wrong. Reason dictates corrective action is in order.

The American people have a tradition of lending our creativity and resources toward peacemaking where conflict exists and peacekeeping where that is required. We are proud of the many occasions where our influence has stopped violence. We are particularly saddened when, as with recent efforts concerning Lebanon, or dedication, as part of a multinational group, has not succeeded in halting the bloodshed. Regularly we are contributing our people and our budget to various peace maintenance forces, such as with multinational forces in Cyprus and the Sinai.

Nations now engaged in conflict need to draw back. This meeing has decided, through approval of a supplementary item, to draw particular attention to the situation of warfare between Iran and Iraq and give strong impetus to a peace settlement between those two warring states. First, that war is more than a regional conflict; it holds a global threat that should alarm all of us into action. Second, and even more unsettling in my mind, the means now being employed by both sides undermine the fundamental design of world order.

The most disturbing evidence that lethal chemical weapons are being used and further developed should cause particular chills here in this city where in 1925 a protocol was written to ban use of such weapons. Also undermining world order are the violations of Geneva conventions when young children are forced into suicidal military assaults. If the authority of these Geneva agreements cannot be maintained, then how secure will we ever be with the many agreements we would like to see negotiated in the future.

While the current conflict between Iraq and Iran must be stopped, we should not neglect the other areas of tension that could quickly devolve into armed combat. The parties in Stockholm, at the Conference on Disarmament in Europe, have to move beyond rhetorical debate to prevent accidents in Europe and induce greater confidence. A successful conclusion of the Mutual Balanced Force Reduction Talks—so possible—would further create more stable conditions for Europe. Elsewhere, such as on the Korean peninsula, violent terrorism must not lead to broader military conflict nor be condoned.

Nor can we tolerate the continued, unilateral occupation of Afghanistan, despite clear disapproval throughout the world.

More broadly, there needs to be more persuasion that the world will not become more secure by the spread of armaments. Here we should point to how necessary it is that countries less economically well off—that spend scarcer resources on armaments—need to enforce their own arms reduction measures. Since almost 80 percent of world arms transfers are imports by developing countries, it is entirely appropriate that attention and concern be directed at the need for arms restraint not only by nuclear powers.

This meeting in Geneva—a city so associated with the pursuit of peace and improvement of mankind—is such a unique opportunity for us parliamentarians to press the world in desirable directions. We should do what we can to give impetus to negotiations for conflict settlement, arms reductions and security building. And we should take back to our own parliaments renewed dedication to find our own national means to support these undertakings.

STATEMENT OF REPRESENTATIVE CARROLL HUBBARD, JR.

ARMS CONTROL AND DISARMAMENT

Fellow parliamentarians, it should be apparent to all that global peace and security can only be assured through the improvement of world trust and confidence. Words on paper are not sufficient. We look for the evidence to support these words.

The Soviet Union continues to undermine world trust as it continues to occupy Afghanistan, and its aggression in that unhappy country is manifested by over one hundred thousand Soviet combat troops, thousands of dead and millions of refugees.

We in the United States, moreover, are not impressed with calls from Warsaw Pact representatives for "declarations" concerning strategic doctrine and tactics. Certain draft resolutions and statements in this very conference, as well as at the Stockholm meeting of the Conference on Disarmament in Europe, contain such wasted rhetoric.

Perhaps we are too practical in the United States—we look for definite concreteness. We want numerical reductions in arms asenals and accurate reports on military levels so we can make reductions real. Above all, we want verification that what the signatories to any agreement say they intend to do, they in fact will do.

In certain areas, such as concerning chemical warfare preparation and Central European force reductions, the United States and the Soviet Union may be approaching common understanding. This could make for real arms control and reduction.

In other areas, our positions are still far apart. Consider the Intermediate Nuclear Forces discussions, for example, talks so im-

portant to European and ultimately world peace. The Soviet side insists on refusing to acknowledge its steady buildup for nearly a decade of SS-20 nucler missiles directed toward western Europe and would have the world believe that NATO has just started a nuclear arms race. Worse than this fabrication, the Soviet Union bullies its way by insisting on preconditions for further talks about intermediate range missiles.

As I clearly heard in the statements in this chamber this morning, the world is very tired of the verbal sparring between major powers and is persistent in its demand for movement.

Such movement can be done—this month, even today—in fact, across the street from this meeting hall where the United Nations Conference on Disarmament sits. There the United States is urging a complete chemical weapons ban.

Geneva could see renewed negotiations on reducing strategic nuclear weapons and theater nuclear forces. The Inter-parliamentary Union should use all its influence to see that these and the other substantive negotiations move ahead.

STATEMENT OF SENATOR QUENTIN N. BURDICK

POPULATION IN THE CONTEXT OF RESOURCES AND DEVELOPMENT

Mr. President and colleagues, population growth and the problems it can cause for economic and human development demand our urgent attention. We can take our pick of population statistics, and they all tell an alarming story. I am particularly impressed by the speed at which population growth is gaining on us, even with some encouraging changes in recent growth patterns. In the year 1800, the world reached its first one billion in population; it took 130 years to add the second billion by 1930; the world now has 4.6 billion people, and is adding another billion every 12 years or less. Indeed, the population on earth today is witnessing and living through a "population revolution" that is putting mankind into a new relationship with the resources upon which human life depends.

Between now and the year 2000, 90 percent of this rapid growth will be in developing nations, putting further strains on economies and natural resources that are the least able to absorb them.

What do todays rates of growth mean? They mean tremendous strains on economic and natural resources. They mean enormous increases in demand for education, health and social services. They mean a burgeoning population in the job-formation years, usually in areas that do not have commensurate growth in jobs; we are already seeing consequences such as social unrest and greatly intensified pressures for migration in many countries.

When this kind of growth occurs in areas with large populations at the poverty level and below, it can mean that any gains in economic development are eradicated by sheer growth in numbers of people. Serious, even irreversible, damage is done to the agricultural base and other natural resources. We are now seeing extensive deforestation, serious soil erosion, and the spread of desert-like conditions all around the world as a result of the combination of poverty and population growth.

This year, the nations of the world will assemble in Mexico City for the International Conference on Population. The purpose will be to assess the situation since the United Nations Conference on Population held ten years ago in Bucharest. There are indeed signs of progress over the decade. Since that time, some 60 of the less developed countries, with well over three quarters of the developing world's population, have adopted policies that address population growth. Most developing countries have learned just how detrimental overly rapid population growth is to their other objectives of economic development and substainable resources productivity. They have requested ever increasing assistance to make family planning program available. In many countries, including most of the developing countries in some region, declines in rates of growth are evident.

It now seems clear that, given free choice, policies that make family planning information and techniques available, and such advances as lower infant mortality, better health and a measure of economic progress, people are indeed likely to freely choose smaller families.

However, despite these good signs, there is no cause for complacency. We must recognize the need for continued concern and intensified efforts—and the role of parliamentarians in dealing with these problems. Although the growth rates in many areas are showing declines, this is by no means universal. In too many places the cycle of high growth, poverty, high infant mortality, starvation and poor health continues. And there is a new risk in the progress that has been made: there are some things that the very success of population programs to date is being used as an argument in some quarters against continuing them, or for cutting back. This is the opposite conclusion from the one that we should reach if we are to learn from the experience of the past ten years.

I am proud to say the United States policy has been one of strong commitment for the past 20 years to voluntary family planning programs. I want to stress the word voluntary, for that is the keystone of our policy. To date, the U.S. population assistance has represented about one-half of all external resources available to population programs. The U.S. Congress has played a key role in assuring this continuing commitment.

Progress in stemming too-rapid population growth depends on the personal decisions of billions of individuals. We at this Conference represent these individuals, and the welfare of all people depends on their decisions. We must all strive to assure that these decisions are truly voluntary, which means based on the best information, together with adequate access to appropriate options for family planning.

I would urge that this conference resolve to acknowledge the interdependence of population policies and successful economic development. I believe we should take note of the detrimental effects of poverty and population pressure on the resources that sustain life. I would further urge strong support for the 1984 International Conference on Population in Mexico, and the efforts of nations at that conference to maintain momentum in the progress so far in dealing with population growth. Finally, I would urge that we each play a role in our respective national governments in maintaining high priority for population and development policies designed to assure that family size is truly a matter of personal choice.

STATEMENT OF CONGRESSMAN CARROLL HUBBARD, JR.

POPULATION IN THE CONTEXT OF RESOURCES AND DEVELOPMENT

Mr. President and colleagues it is clear that few delegates at this Conference doubt the urgency of the problems presented by population growth. Even at the medium projections of the United Nations, world population is not expected to stablilize until it reaches 10.5 billion around the year 2075.

The implications of this kind of growth, and the causes of it, are very complex. They involve an interrelated web of economic, social, geographic, demographic and other factors. These interrelationships are at best poorly understood. However, we can certainly say that the rapidly increasing numbers of human beings under almost any scenario for the future mean that vastly increased productivity in food and fuel resources will be required. Staggering new requirements for health, education and other services will be evident.

Ninety percent of the growth in human numbers between now and the turn of the century will be in developing countries, where the combination of poverty and population increases are already putting destructive pressure on natural resources. Ironically, a poverty-stricken population will often be forced to destroy tomorrow's resources just in order to survive day to day. Gains in economic development may often be outstripped by population growth, leaving people no better—or worse—off. Already, on two continents, per capita food production is declining.

Serious problems with loss of forests, spread of desertification, soil erosion, and resulting migrations to cities and across national borders have occurred as a result of population pressure.

Deforestation is evident in large areas on all of the continents; 25 years ago, forests covered one-fourth of the earth; today they cover one-fifth; and by the year 2000, if present trends continue, they will cover only one-sixth. The human dimensions of this problem are profound. In Nepal, India, Africa, and other areas, many villagers must now walk up to 8 hours to collect firewood which used to be nearby. A result of this extensive deforestation is serious erosion, loss of whole villages, and disastrous flooding in downstream areas.

Desertification is occurring throughout the world, and also presents the greatest problem when it occurs as a result of population pressure and poverty. Currently, more 51 million acres of land are estimated to be reduced to near uselessness every year through desertification.

Soil erosion is also a problem in most areas of the world as a result of ever-increasing demand for food production; These are losses that a rapidly growing world population cannot afford. Moreover, these resource problems do have solutions, but the hardest hit nations cannot afford them. Poorly designed irrigation systems cause soil degradation, but proper design techniques are known. Reforestation programs do have a high priority in many areas, but they are expensive. Desertification and soil erosion can be stopped by good land management and the right agricultural practices. Unfortunately, it is exactly the areas that cannot afford these solutions that need them the most.

All of the world's nations have a stake in improving these resource dilemmas. The developing countries have shown many indica-

tions that they desire to reduce population growth. In the past ten years, over 60 developing countries with the great majority of population in developing areas have adopted population policies, and requested family planning assistance and education.

The United States has a solid record of strong commitment to population assistance under a policy that aids voluntary family planning programs. The United States Congress, I might note, has played a crucial role in assuring this commitment. Our record on development assistance is equally good. What all of the world's governments must do better is to devote the utmost human ingenuity to wise management of existing resources—especially those under pressure from excessive population growth and poverty.

High priority for assistance to voluntary population assistance, coupled with strong efforts to stop the destruction of resources in problem-stricken areas are essential to human welfare everywhere. I urge delegates to this Conference to make every effort to assure the subject of population growth high priority in our respective parliaments and governments.

STATEMENT OF CONGRESSMAN AUGUSTUS F. HAWKINS

WORLDWIDE FULL EMPLOYMENT

Fellow parliamentarians, it has been said a true statesman should not belong to any country. Unfortunately, that is not realistic. While I argue the greatness of my own country—as all of you do of yours, can we not agree that there is no limit or freeze on greatness in a world of social change and technological development. Let me therefore propose as one substantial move towards improvement, that of full employment of our human and material resources.

If the "developed" countries are to adequately provide higher standards of living for their own people and those less fortunate and thus lessen world tensions, it is necessary to maximize economic growth in the developed countries to achieve their fullest capacity. Without improvement in conditions in such developed countries, their ability to assist world growth will be minimized.

However, recent history has not been so favorable and encouraging in the face of nuclear threats, a population explosion, and—may I add—the recurring threats of worldwide recessions.

Without condemning others, let me suggest by way of illustration that I believe none of the developed countries have yet achieved their full potential in economic performance. This is best evidenced in our toleration of high levels of poverty and unemployment not in line with our tremendous resources and capabilities, or our needs or those of the peoples of the world.

At the same time, not only have we found it necessary to increase outlays in an arms race but we have cut back on domestic social programs and in addition, under budget constraints, have actually reduced foreign assistance in real dollars in many programs.

In the post World War II period, the USA and virtually all other countries have experienced recurring recessions and an equal number of inadequate recoveries. Of the last several world-wide recessions, each has tended to be deeper and longer and to send shock waves to other countries of the world in terms of interest rates, trade competition and budget deficits. This leads me to emphasize the very great threat this pattern of recurring recessions poses to the world—pulling us each time nearer the brink of economic disaster.

In terms of social values, these recurring recessions in the industrialized countries, together with their impacts on less developed countries, have a profound human dimension. They have resulted in more poverty, illiteracy, neglect of health care, and social unrest throughout the entire world.

Mass unemployment and poverty—whatever their causes or for whatever reason—in the face of widespread, unmet human needs, constitute the great moral tragedy of our times, not only for those upon whom this fate is imposed but likewise for those of us who permit or impose these conditions.

A great jurist, the American Justice Louis Brandeis, in one of his court opinions wrote these words as if he could have been addressing us as Parliamentarians: "If we would lead by the light of reason, we must let our minds be bold."

Boldness in this context requires only that we leave this Conference committed to rethink what we brought to this gathering and to act in implementing the eloquent words and beautiful thoughts we expressed.

Not least among these should be a recommitment to the right of all who are able, willing, and seeking work to full opportunity for useful paid employment at fair wages and regardless of where they live.

And, furthermore, we must seek on a world-wide basis to translate this right into practical reality through practicable polices and programs to promote full employment opportunity, maximum production, and adequate incomes and balanced growth.

Too often in the industrialized nations we have restricted growth as a means of fighting inflation thereby creating unemployment, excess interest rates, scarcities of goods and services, unwarranted trade restrictions and social tensions among people forced to compete with each other. This approach is wrong on economic grounds and is morally indefensible.

It is not enough that we leave this Conference with good expressions of intent to achieve peace and wipe out poverty, illiteracy, ill-health, and discrimination throughout the world. We must also be committed to achieving these goals in our own country and shaping concrete programs to share our prosperity with others. At all costs we must avoid another world-wide recession which potentially could be catastrophic and set the stage for World War III.

It is essential that we achieve and maintain a vigorous economic growth. And at the same time, let us not overlook the social aspects of human development that economic growth, social justice, and moral respect can bring about.

Peoples everywhere seek security, self-expression, and human dignity. They will not and should not be denied. After all, "world brotherhood is not so wild a dream as those who profit from postponing it pretend." Let us be bold and act with courage and wisdom.

Mr. Speaker, I yield to the able gentleman from Kentucky.

Mr. HUBBARD. Mr. Speaker, I would like to commend my distinguished colleague from Florida, Representative CLAUDE PEPPER, for requesting this special order to recognize an event held early this spring which demonstrated the ability of representatives from many different nations to work together toward finding solutions to some of the most complex problems facing our world today.

I speak, of course, of the 71st Conference of the Interparliamentary Union held the week of April 2, 1984, in Geneva, Switzerland. I had the extreme honor and pleasure to be chosen as one of the U.S. representatives to participate in this event, and I want to take this opportunity to share with my colleagues some of the results of this important and worthwhile international meeting.

The Interparliamentary Union offers a unique opportunity for participants from around the globe to discuss matters of worldwide concern and importance on a friendly and relaxed basis unavailable in any other international forum. It is at a meeting of the Conference of the Interparliamentary Union, for example, that the delegates from both North and South Korea are able to directly interact with one another, as are the representatives from the Soviet Union and the United States. Not even the United Nations can boast of such accomplishments.

And it is that very atmosphere free from much of the tension associated with international negotiations that enables delegates of the Interparliamentary Union to discuss such critical matters as arms control and disarmament, world population problems, and the conflict in the Mideast. National groups debated these issues first in plenary sessions and then delegates drafted final resolutions during committee consideration. At its final plenary session, the 71st Conference of the Interparliamentary Union approved three final resolutions on the respective issues.

As a member of the U.S. delegation, I also had the opportunity to learn more about the various international organizations which operate in Geneva, Switzerland. The American delegation received briefings from the Deputy Chief of the U.S. Mission on the United States role in these international organizations, which include the World Health Organization and the United Nations High Commissioner on Refugees. In addition, we listened to the U.S. Ambassador to the United Nations Conference of Disarmament explain the various undertakings of that body, which represents the largest forum for arms control negotiations. Finally, it was during this Interparliamentary Union meeting in Geneva that the U.S. delegation announced formally that it would present to the Conference on Disarmament a draft treaty to ban chemical weapons development and production.

In closing, let me again repeat how valuable were the experience that I gained as a member of the U.S. delegation to the 71st Interparliamentary Union Conference.

My wife, Carol and I are hopeful that our friendships formed in April with so many of the delegates from

the participating nations will help to improve our country's diplomatic ties and ultimately lead to world peace.

Mr. PEPPER. Mr. Speaker, may I add that I want to commend in the warmest way the excellent record that was made at this conference in Geneva by the distinguished gentleman from Kentucky [Mr. HUBBARD] now speaking. He did a splendid job for our country at that time.

● Mr. HALL of Ohio. Mr. Speaker, the recent meeting of the Interparliamentary Union, held in Geneva in early April, was extremely important, particularly at this time. With the precarious situation in the Persian Gulf and Mideast area and the tensions that remain between the United States and the Soviet Union, any efforts that produce dialog and negotiation of differences should receive our wholehearted support.

The IPU is very unique in this day precisely because it brings together many representatives from nations that otherwise would simply maintain and fortify their hostility toward one another. At least in the IPU there are opportunities to air differences in a face-to-face manner and attempt to find some approaches for resolution of conflicts; 102 nations are members of the IPU. Most send delegations that are dedicated to discussing the pressing international problems and to searching for positive means to solve these problems.

At the recent meeting in Geneva, I was particularly active in the political committee where the arms control and disarmament issues were intensively considered. In drafting committees, Senator DECONCINI and I spent many hours in negotiations with representatives from the Soviet Union and from other Warsaw Pact, NATO and nonaligned countries. During these drafting efforts, we worked out positions concerning several arms control issues, including nuclear nonproliferation and weapons control and reduction. The final resolution gave particular support to the special Stockholm conference on disarmament that has just recently commenced and which holds certain prospects for increasing confidence and security in Europe.

In our discussions and negotiations, conflicting points of view were frequently expressed. Also, attempts were made to gain unilateral advantages. For example, a delegate from the Soviet Union did attempt to place the international community on record against the NATO decision on missile deployment in Europe. From the results of this Soviet attempt—the motion was defeated—it appears that the majority of the world, including the nonaligned, hope that mutual, coordinated arms reduction measures will be implemented and that neither side will gain unilateral advantage over the other.

During our stay in Geneva, the U.S. Government formally announced its intention to press for an international treaty banning chemical weapons development and production. A U.S. draft treaty proposal has been introduced in the Conference on Disarmament that meets in Geneva.

During the spring IPU meeting, we carefully reviewed the several ongoing negotiations, in Vienna on mutual and balanced forces reduction, in Stockholm under the provisions of the Helsinki Final Act and in Geneva. These undertakings should receive continued international support and prodding so they will achieve success. The IPU keeps the world's attention focused and alert. It also provides a forum for searching for new ideas and for new ways that countries can work together to promote peaceful processes for conflict resolution.

I was very honored when the Speaker appointed me to participate at the Geneva IPU conference. This meeting gave insights into the problems we face in the world. It has further convinced me of the need for greater efforts for international cooperation and more coordinated international action.●

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., FRIDAY, AUGUST 17, 1984, TO FILE REPORT ON H.R. 6031, THE MONEY LAUNDERING PENALTIES ACT OF 1984

Mr. HUGHES. Mr. Speaker, I renew my unanimous-consent request that the Committee on the Judiciary have permission to file its report on the bill, H.R. 6031, the Money Laundering Penalties Act of 1984, until 5 p.m., Friday, August 17, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. MICHEL. Reserving the right to object, Mr. Speaker, and I shall not object, I want to make it clear that we not establish any precedent here of considering legislative requests or legislative business after special orders have once commenced.

Having made that point, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REINTRODUCTION OF THE KEMP-KASTEN FAIR AND SIMPLE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, today, Senator BOB KASTEN and I, together with many colleagues, are introducing a new and improved version of a tax reform bill called the fair and simple tax [FAST]—a comprehensive proposal to simplify the Income Tax Code, broaden the tax base, and increase incentives.

The fair and simple tax is unique in combining the simplicity of a flat income tax on taxable income with a progressive tax base. The plan eliminates many tax preferences or loopholes and imposes a flat tax rate, but also provides generous protection for families with children, home owners, workers, senior citizens, and the poor. We double and index the personal exemption for everyone, increase the standard deduction, and institute a new exclusion for 20 percent of wages at low and middle incomes.

When Senator KASTEN and I first introduced this bill last April, I said:

> My colleagues and I do not claim that this bill is the last word in tax policy. If we can find ways to improve upon it, either on the individual or corporate side, we will. Rather it is a first word, a way to restart debate in Congress on proper tax policy.

We have solicited comments on our bill from a broad range of American taxpayers and citizens—very encouraging comments on the whole, I am happy to say. As promised, over the past several months we have worked out ways to improve it. There may be still further modifications in the future. We intend to keep this the best tax reform legislation in the Congress, in terms of simplicity, fairness, efficiency, and especially economic incentives.

ABOLISHING THE 96-PERCENT BRACKET FOR SENIOR CITIZENS

We are excited about many of the changes in our new bill. In addition to making several technical corrections, the current version of the bill aims especially to remove disincentives in current law which disproportionately affect our Nation's senior citizens.

First, our bill increases the total size of exemptions for the elderly and the blind from $2,000 to $4,000 each, and the exemptions are indexed to keep their full value. The original bill maintained the figure at $2,000.

Second, taxpayers may exclude 20 percent of the first $10,000, single, or $15,000, joint return, of any income from taxation, regardless of its source. A similar provision was in our original bill. It is designed to protect those who live mostly from savings income rather than wages which receives a 20-percent exclusion under our bill up to about $40,000.

Third, one of the most exciting features of our new bill is its abolition of what Forbes magazine has called "the 96 percent bracket" for America's senior citizens. That is, under current

law an ill-conceived combination of Federal programs results in marginal tax rates on the elderly which can range from 80 percent to more than 100 percent.

These high tax rates under current law are caused by an interaction of the following factors:

The so-called retirement test reduces Social Security benefits by 50 cents for every $1 above $6,960 a year of income earned by those between the ages of 65 and 70. This creates, in effect, a 50 percent marginal tax rate on earned income.

An unfortunately designed feature in the 1983 Social Security Amendments effectively raises the Federal marginal tax rate by 50 percent above what it would otherwise be. According to a complicated formula, this provision adds 50 cents in Social Security benefits to a taxpayer's tax base for every dollar of income earned above a certain income threshold. In addition, this threshold provision instituted a "back door" tax on supposedly tax-exempt municipal bonds owned by the elderly, the retired, and survivors. To give an example, if a taxpayer is in the 30 percent Federal income tax bracket under current law, the threshold method can effectively raise the marginal income tax rate to 45 percent.

Such workers must pay ordinary Federal, State, and local income and payroll taxes.

Our bill abolishes this "96 percent bracket" for senior citizens in the following way:

We phase out the retirement test by cutting the benefit reduction from 50 to 25 cents on a dollar immediately, and zero reduction after 5 years.

We change the taxation of Social Security benefits in a manner designed to raise about the same amount of revenue from the same income group, but without substantially increasing their marginal tax rates. The first $7,000 (single)/$10,500 (joint return) of Social Security benefits is excluded from tax, and no more than half of total benefits may be taxed. According to the U.S. Treasury, this would result in raising about the same amount of revenue and taxing approximately the same higher income taxpayers.

We abolish back door taxation of tax-exempt bonds.

This combination of improvements would reduce that "96 percent tax bracket" on middle income senior citizens to below 30 percent, or by almost three-quarters.

Other important changes in our new bill are listed on an attached sheet.

With its simplicity, protection for families, the poor, and senior citizens, and its increased incentives to work, save, and invest, we believe that the fair and simple tax is a plan which families across the country can embrace.

ADDITIONAL CHANGES IN THE NEW "FAIR AND SIMPLE TAX" (FAST) ACT

In addition to technical corrections and improvements aimed at senior citizens, other changes in the second version of Kemp-Kasten include:

First, indexing the earned income credit—received by low-income working single heads of household—for inflation.

Second, indexing the 20-percent exclusion of the first $10,000/$15,000 of nonemployment income for inflation. The exclusion for wages is already indexed.

Third, phasing out the limitation on capital losses over 10 years, and subjecting capital losses to the alternative minimum tax.

Allowing deductibility of capital losses is a matter of simple fairness: If the Government claims a share of any capital gain, it should permit a taxpayer to account for capital losses on a symmetrical basis. If gains are taxed in full; if gains are only partly taxable, they should be only partly deductible.

Subjecting capital losses to the alternative minimum tax, meanwhile, effectively prevents high bracket taxpayers from using this provision to avoid paying tax by systematically realizing losses to reduce taxable gains.

Fourth, repealing the deductibility of interest expense for consumer expenses, other than residential property and loans solely for educational purposes. Business-related interest such as rental property is also unaffected. The first version of Kemp-Kasten permitted deductibility of any interest expense.

Fifth, maintain current law in exempting employer-provided medical and life insurance premiums, as well as benefits paid out of those premiums, from tax. While there is an argument for taxing these, we believe there is also an argument for encouraging private rather than public provision of medical care and family security.

THE KEMP-KASTEN "FAIR AND SIMPLE TAX" (FAST)

GENERAL DESCRIPTION

INDIVIDUAL INCOME TAX

Reduced rate of 25 percent is applied to the following tax base:

Eliminate most deductions, credits, exemptions, exclusions, except:

Personal allowances: personal exemption doubled to $2,000; elderly and blind receive additional $2,000 exemption; and zero bracket amounts (standard deduction) increased to $2,700 single-head of household, $3,500 joint return.

New exclusion for employment income: 20 percent exclusion of gross wage/salary/self-employment income up to the Social Security wage base ($39,300 in 1985); phased out so that no exclusion is allowed on income greater than about $100,000. If a taxpayer's employment income is less than $10,000 ($15,000 for a joint return), all gross income below that level qualifies for the 20 percent exclusion.

Deductions retained: Charitable contributions; interest on loans for residential property and education; real property taxes; medical expenses above 10 percent of adjusted gross income; and ordinary business expenses.

Indexing for inflation: Personal exemption, zero bracket amounts, earned income credit, employment income exclusion, capital basis

Treatment of capital gains and losses: Full taxation of gains, full deduction of loss phased-in over 10 years, with basis indexed from the date of enactment; taxpayer option during 10-year transition period: 25 percent exclusion of gains and losses (18.75 percent rate) without indexing; and current homeowner's rollover and one-time exclusion retained.

Current treatment retained: Retirement annuities (IRA's, Keoghs [H.R. 10], Social Security [improved treatment], et cetera); military and veterans benefits; employer-provided benefits; foreign source income; earned income credit (slightly modified); general obligation tax-exempt bonds; employee business expenses and moving expenses.

CORPORATE INCOME TAX

Reduced rate of 30 percent applied to the following tax base:

Eliminate most deductions, credits, exemptions, except: Deductions above, if applicable; ordinary business expenses; current-law capital cost recovery (ACRS or "10-5-3") small business provisions: 15 percent tax rate up to $50,000 of taxable income and expensing for up to $10,000 of business property; capital gains rate cut from 28 to 20 percent; and foreign income tax credit.

COMPARISON OF KEMP-KASTEN WITH BRADLEY-GEPHARDT

Since introducing the fair and simple tax, we have received many requests for examples of how various taxpayers would fare under the proposal. And many people, ranging from private citizens to Senator BILL BRADLEY and Congressman RICHARD GEPHARDT, have also asked us how the plan would compare with an alternative tax reform proposal: the Bradley-Gephardt bill. We would like to satisfy those requests now.

For the sake of easy comparison, we have decided simply to adopt the examples provided by Senator BRADLEY and Congressman GEPHARDT in explaining their own bill. Our examples are the same, with just two exceptions.

First, the treatment of home mortgage interest in the Bradley-Gephardt examples did not seem realistic. In general, mortgage lenders use a rule of thumb which says that a family can comfortably afford a house worth

about 2 or 2½ times its annual gross income, and that the owner's equity in the house should be about 20 to 25 percent.

Using this rule of thumb, the mortgage interest deductions claimed by taxpayers in the examples provided by Senator BRADLEY and Congressman GEPHARDT seem unrealistically low. Families of four earning about the median income were assumed to have mortgage interest payments of only $250 a month. Several examples implied that taxpayers with annual incomes of $120,000 a year were living in homes worth $50,000. Other examples implied that taxpayers with incomes of $1 million a year, who were otherwise taking advantage of fairly sophisticated tax loopholes, were either living in $100,000 houses or else ignoring the tax benefits of homeownership.

In adopting the Bradley-Gephardt examples, we have simply assumed that any houses are worth twice a taxpayer's annual income—not including temporary income such as capital gains; that the mortgage is 75 percent the value of the house; and that the mortgage interest rate is 12 percent. All three assumptions are rather conservative.

The second difference does not affect the numbers much at all, but we consider it an important one simply on principle. Not 1 of the 15 or so examples provided by Senator BRADLEY and Congressman GEPHARDT depicted a traditional family with only one breadwinner. While retaining some two-earner couples for the sake of comparison, in our examples, we mostly show traditional families, even where it makes little or no difference.

We feel strongly that this represents, not only the way millions of American families live, but also the way many more millions would like to live. In too many cases today, both parents work because they are forced to, not because they want to leave their children in someone else's care. We believe that the Tax Code should not hinder parents who are struggling to raise their families. In fact, one of the features of Kemp-Kasten of which we are proudest is that it is a pro-family bill.

For example, compare the different tax treatment of child care in our bill, the Bradley-Gephardt plan, and current law. Current law provides a child care credit. Bradley-Gephardt repeals the credit but allows the deduction of child care expenses in connection with earning a second income. However, under both current law and Bradley-Gephardt, there is only a $1,000 personal exemption for each dependent child. Under current law the exemption is indexed for inflation; Bradley-Gephardt repeals indexing. (If the personal exemption had been indexed for inflation since it was $600 in 1948, it would have to be more than $2,500 today).

Our bill takes a different approach. We also eliminate the child care credit, but instead double the personal exemption to $2,000. The additional tax reduction due to the increased personal exemption is worth $500 a year under our plan for a family with two children. This compares with $400 for the child care credit under current law and $280 for the Bradley-Gephardt deduction. (This assumes a $30,000 family with two children and $2,000 in child care expenses.)

What is even more important, only Kemp-Kasten provides this relief to all families with children, not just two-earner families. Any other approach implies that the effort of the parent who stays at home to care for the children is worth less than if he or she worked outside the home. Our bill says that the work of a parent who raises the children at home is just as valuable as if he or she went to work elsewhere. The same reasoning is behind our using the traditional one-earner family in most examples.

Apart from these two exceptions, we have omitted one example because we found it impossible to duplicate the Bradley-Gephardt numbers or determine the assumptions on which it was made.

While these examples are not exhaustive, or even necessarily the ones we would have chosen to show our bill off to best advantage, they serve two purposes. First, they make it easier for interested parties to compare both plans to current law, than if we had devised completely new examples. Second, by using examples not of our choosing, we think this provides a challenge for testing the merits of the fair and simple tax—a challenge which we believe it meets.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 1]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$15,000	$15,000	$15,000
Less: Wage exclusion			3,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		150	
Equals: Adjusted gross income	15,000	16,350	12,000
Less: Exemptions	4,000	5,200	8,000
Equals: Taxable income	11,000	11,150	4,000
Memo: Zero-bracket amount	(3,400)	(6,000)	(3,500)
Income tax	[1] 959	[2] 721	[3] 125
Additional payroll tax		190	
Total tax compared with current law	959	911	125
Marginal tax rate (percent)	14	14	20

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 zero-bracket amount times 14 percent.
[3] Taxable income less $3,500 zero-bracket amount times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Single taxpayer No. 1]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$15,000	$15,000	$15,000
Less: Wage exclusion			3,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		150	
Equals: Adjusted gross income	15,000	16,350	12,000
Less: Exemptions	1,000	1,600	2,000
Equals: Taxable income	14,000	14,750	10,000
Memo: Zero-bracket amount	(2,300)	(3,000)	(2,700)
Income tax	[1] 1,801	[2] 1,645	[3] 1,825
Additional payroll tax		190	
Total tax compared with current law	1,801	1,845	1,825
Marginal tax rate (percent)	20	14	20

[1] From 1984 tax law tables.
[2] Taxable income less $3,000 ZBA times 14 percent.
[3] Taxable income less $2,700 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 2]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$30,000	$30,000	$30,000
Less: Wage exclusion			6,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		300	
Equals: Adjusted gross income	30,000	31,500	24,000
Less: Exemptions	4,000	5,200	8,000
Equals: Taxable income	26,000	26,300	16,000
Memo: Zero-bracket amount	(3,400)	(6,000)	(3,500)
Income tax	[1] 3,815	[2] 2,842	[3] 3,125
Additional payroll tax		212	
Total tax compared with current law	3,815	3,054	3,125
Marginal tax rate (percent)	25	14	20

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent.
[3] Taxable income less $3,500 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Single taxpayer No. 2]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$30,000	$30,000	$30,000
Less: Wage exclusion			6,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		300	
Equals: Adjusted gross income	30,000	31,500	24,000
Less: Exemptions	1,000	1,600	2,000
Equals: Taxable income	29,000	29,900	22,000
Memo: Zero-bracket amount	(2,300)	(3,000)	(2,700)
Income tax	[1] 5,773	[2] 4,546	[3] 4,825
Additional payroll tax		212	
Total tax compared with current law	5,773	4,758	4,825
Marginal tax rate (percent)	34	26	20

[1] From 1984 tax law tables.
[2] Taxable income less $3,000 ZBA times 14 percent.
[3] Taxable income less $2,700 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 3]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$30,000	$30,000	$30,000
Less: Wage exclusion			6,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		300	
Equals: Adjusted gross income	30,000	31,500	24,000

BRADLEY-GEPHARDT PROVIDED EXAMPLE—Continued

[Married taxpayer No. 3]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Itemized deductions:			
Mortgage interest	5,400	5,400	5,400
Property tax	1,000	1,000	1,000
Sales tax	400		
Income tax	1,000	1,000	
Charity	500	500	500
Total	8,300	7,900	6,900
Less: Zero-bracket amount	3,400	6,000	3,500
Equals: Excess itemized deductions	4,900	1,900	3,400
Adusted gross income	30,000	31,500	24,000
Less:			
Exemptions	4,000	5,200	8,000
Excess itemized deductions	4,900	1,900	3,400
Equals: taxable income	21,100	24,400	12,600
Memo: Zero-bracket amount	(3,400)	(6,000)	(3,500)
Income tax	[1] 2,695	[2] 2,576	[3] 2,275
Additional payroll tax		212	
Total tax compared with current law	2,695	2,788	2,275
Marginal tax rate (percent)	22	14	20

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent.
[3] Taxable income less $3,500 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 10 [SIC]]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$30,000	$30,000	$30,000
Less: Wage exclusion			6,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		300	
Equals: Adjusted gross income	30,000	31,500	24,000
Itemized deductions:			
Mortgage interest	5,400	5,400	5,400
Property tax	1,500	1,500	1,500
Sales tax	400		
Income tax	1,000	1,000	
Charity	500	500	500
Total	8,800	8,400	7,400
Less: Zero-bracket amount	3,400	6,000	3,500
Equals: Excess itemized deductions	5,400	2,400	3,900
Adusted gross income	30,000	31,500	24,000
Less:			
Exemptions	4,000	5,200	8,000
Excess itemized deductions	5,400	2,400	3,900
Equals: taxable income	20,600	23,900	12,100
Memo: Zero-bracket amount	(3,400)	(6,000)	(3,500)
Income tax	[1] 2,585	[2] 2,506	[3] 2,150
Additional payroll tax		212	
Total tax compared with current law	2,585	2,718	2,150
Marginal tax rate (percent)	22	14	20

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent.
[3] Taxable income less $3,500 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Single taxpayer No. 3]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income: Salary	$30,000	$30,000	$30,000
Less: Wage exclusion			6,000
Plus:			
Employer paid health		1,200	
Employer paid life insurance		300	
Equals: Adjusted gross income	30,000	31,500	24,000
Itemized deductions:			
Mortgage interest	5,400	5,400	5,400
Property tax	1,000	1,000	1,000
Sales tax	250		
Income tax	1,200	1,200	
Charity	500	500	500
Total	8,350	8,100	6,900

BRADLEY-GEPHARDT PROVIDED EXAMPLE—Continued

[Single taxpayer No. 3]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Less: Zero-bracket amount	2,300	3,000	2,700
Equals: Excess itemized deductions	6,050	5,100	4,200
Adusted gross income	30,000	31,500	24,000
Less:			
Exemptions	1,000	1,600	2,000
Excess itemized deductions	6,050	5,100	4,200
Equals: taxable income	22,950	24,800	17,800
Memo: Zero-bracket amount	(2,300)	(3,000)	(2,700)
Income tax	[1] 3,972	[2] 3,832	[3] 3,775
Additional payroll tax		212	
Total tax compared with current law	3,972	4,044	3,775
Marginal tax rate (percent)	26	26	20

[1] From 1984 tax law tables.
[2] Taxable income less $3,000 ZBA times 14 percent.
[3] Taxable income less $2,700 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 4]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$60,000	$60,000	$60,000
Dividends	200	200	200
Less:			
Dividend exclusion	200	—	—
Two earner couple deduction	2,000	—	
Wage exclusion	—	—	11,773
Plus:			
Employer paid health	—	1,200	—
Employer paid life insurance	—	600	—
Equals: Adjusted gross income	58,000	62,000	48,427
Itemized deductions:			
Mortgage interest	10,800	10,800	10,800
Property tax	2,000	2,000	2,000
Sales tax	800	—	—
Income tax	2,400	2,400	—
Charity	1,500	1,500	1,500
Total	17,500	16,700	14,300
Less: Zero-bracket amount	3,400	6,000	3,500
Equals: Excess itemized deductions	14,100	10,700	10,800
Adjusted gross income	58,000	62,000	48,427
Less:			
Exemptions	4,000	5,200	8,000
Excess itemized deductions	14,100	10,700	10,800
Child care deduction	—	3,000	—
Equals: Taxable income	39,900	43,100	29,627
Memo: Zero-bracket amount	(3,400)	(6,000)	(3,500)
Income tax before credit	[1] 7,825	[2] 7,834	[3] 6,532
Child care credit	—600	—	—
Additional payroll tax	—	—	—
Total tax compared with current law	7,225	7,834	6,532
Marginal tax rate (percent)	33	26	20

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent, plus surtax (12 percent of AGI over $40,000).
[3] Taxable income less $3,500 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Single taxpayer No. 4]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$60,000	$60,000	$60,000
Dividends	100	100	100
Total	60,100	60,100	60,100
Less:			
Dividend exclusion	100	—	—
Wage exclusion	—	—	5,273
Plus:			
Employer paid health	—	1,200	—
Employer paid life insurance	—	60	—
Equals: Adjusted gross income	60,000	61,900	54,827

BRADLEY-GEPHARDT PROVIDED EXAMPLE—Continued

[Single taxpayer No. 4]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Itemized deductions:			
Mortgage interest	10,800	10,800	10,800
Property tax	2,000	2,000	2,000
Sales tax	700	—	—
Income tax	3,000	3,000	—
Charity	1,500	1,500	1,500
Total	18,000	17,300	14,300
Less: Zero-bracket amount	2,300	3,000	2,700
Equals: Excess itemized deductions	15,700	14,300	11,600
Adjusted gross income	60,000	61,900	54,827
Less:			
Exemptions	1,000	1,600	2,000
Excess itemized deductions	15,700	14,300	11,600
Equals: Taxable income	43,300	46,000	41,227
Memo: Zero-bracket amount	(2,300)	(3,000)	(2,700)
Income tax	[1] 11,075	[2] 11,424	[3] 9,632
Additional payroll tax	—	—	—
Total tax compared with current law	11,075	11,424	9,632
Marginal tax rate (percent)	42	30	28

[1] From 1984 tax law tables.
[2] Taxable income * * * times 14 percent.
[3] Taxable income * * * times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 5]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$60,000	$60,000	$60,000
Long-term capital gains	40,000	40,000	40,000
Interest and dividends	20,000	20,000	20,000
Less:			
Capital gain exclusion	24,000		10,000
Dividend exclusion	200		
Wage exclusion			5,273
Plus:			
Employer-paid health		1,200	
Employer-paid life		600	
Equals: Adjusted gross income	95,800	121,800	104,727
Itemized deductions:			
Mortgage interest	14,400	14,400	14,400
Other interest	5,000	2,500	2,500
Property tax	3,000	3,000	3,000
Sales tax	1,200		
Income tax	7,000	7,000	
Total	35,600	31,900	24,900
Less: Zero-bracket amount	3,400	6,000	3,500
Equals: Excess deductions	32,200	25,900	21,400
Adjusted gross income	95,800	121,800	104,727
Less:			
Exemptions	4,000	5,200	8,000
Excess deductions	32,200	25,900	21,400
Equals: Taxable income	59,600	90,700	75,327
Income tax (and total tax)	[1] 15,016	[2] 24,786	[3] 17,957
Marginal tax rate (percent):			
Ordinary income	38	30	28/25
Capital gains	15.2	30	[4] 18.8

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[3] Taxable income less $3,500 ZBA times 25 percent.
[4] Assumes temporary option permitting 25 percent exclusion of capital gain without indexing.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Single taxpayer No. 5]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$60,000	$60,000	$60,000
Long-term capital gains	40,000	40,000	40,000
Interest and dividends	20,000	20,000	20,000

BRADLEY-GEPHARDT PROVIDED EXAMPLE—Continued

[Single taxpayer No. 5]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Less:			
Capital gain exclusion	24,000	.....	10,000
Dividend exclusion	100	.....	.....
Wage exclusion	.....	.....	5,273
Plus:			
Employer paid health	.....	1,200	.....
Employer paid life	.....	600	.....
Equals: Adjusted gross income	95,900	121,800	104,727
Itemized deductions:			
Mortgage interest	14,400	14,400	14,400
Other interest	5,000	2,500	2,500
Property tax	3,000	3,000	3,000
Sales tax	1,000	.....	.....
Income tax	7,500	7,500	.....
Charity	5,000	5,000	5,000
Total	35,900	32,400	24,900
Less: Zero-bracket amount	2,300	3,000	2,700
Equals: Excess deductions	33,600	29,400	22,200
Adjusted gross income	95,900	121,800	104,727
Less:			
Exemptions	1,000	1,600	2,000
Excess deductions	33,600	29,400	22,200
Equals: Taxable income	61,300	90,800	80,527
Income tax (and total tax)	[1] 18,995	[2] 27,280	[3] 19,457
Marginal tax rate (percent):			
Ordinary income	48	30	28/25
Capital gains	19.2	30	[4] 18.8

[1] From 1984 tax law tables.
[2] Taxable income less $3,000 ZBA times 14 percent, plus surtax (12 percent of AGI from $25,000 to $37,500, and 16 percent of AGI in excess of $37,500).
[3] Taxable income less $2,700 ZBA times 25 percent.
[4] Assumes temporary option permitting 25 percent exclusion of capital gain without indexing.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 6]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$60,000	$60,000	$60,000
Interest and dividends	60,000	60,000	60,000
Less:			
Dividend exclusion	200	.....	.....
Net interest exclusion	900	.....	.....
Wage exclusion	.....	.....	5,273
Plus:			
Employer paid health	.....	1,200	.....
Equals: Adjusted gross income	118,900	121,800	114,727
Itemized deductions:			
Mortgage interest	21,600	21,600	21,600
Other interest	5,000	2,500	2,500
Property tax	3,000	3,000	3,000
Sales tax	1,200	.....	.....
Income tax	7,000	7,000	.....
Charity	5,000	5,000	5,000
Total	42,800	39,100	32,100
Less:			
Zero-bracket amount	3,400	6,000	3,500
Excess deductions	39,400	33,100	28,600
Adjusted gross income	118,900	121,800	114,727
Less:			
Exemptions	4,000	5,200	8,000
Excess deductions	39,400	33,100	28,600
Equals: Taxable income	75,500	83,500	78,127
Income tax (also total tax)	[1] 21,678	[2] 23,778	[3] 18,657
Marginal tax rate (percent):			
Ordinary income	42	30	28/25
Capital gains	16.8	30	[4] 18.8

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[3] Taxable income less $3,500 ZBA times 25 percent.
[4] Assumes temporary option permitting 25 percent exclusion of capital gain without indexing.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Single taxpayer No. 6]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$60,000	$60,000	$60,000
Interest and dividends	60,000	60,000	60,000
Less:			
Dividend exclusion	100	.....	.....
Net interest exclusion	450	.....	.....
Wages exclusion	.....	.....	5,273
Plus:			
Employer paid health	.....	1,200	.....
Employer paid life	.....	600	.....
Equals: Adjusted gross income	119,450	121,800	114,727
Itemized deductions:			
Mortgage interest	21,600	21,600	21,600
Other interest	5,000	2,500	2,500
Property tax	3,000	3,000	3,000
Sales tax	1,000	.....	.....
Income tax	7,500	7,500	.....
Charity	5,000	5,000	5,000
Total	43,100	39,600	32,100
Less: Zero-bracket amount	2,300	3,000	2,700
Equals: Excess deductions	40,800	36,600	29,400
Adjusted gross income	119,400	121,800	114,727
Less:			
Exemptions	1,000	1,600	2,000
Excess deductions	40,800	36,600	29,400
Equals: Taxable income	77,650	83,600	83,327
Income tax (and total tax)	[1] 26,843	[2] 26,272	[3] 20,157
Marginal tax rate (percent):			
Ordinary income	48	30	28/25
Capital gains	19.2	30	18.8

[1] From 1984 tax law tables.
[2] Taxable income less $3,000 ZBA times 14 percent, plus surtax (12 percent of AGI from $25,000 to $37,500, and 16 percent of AGI in excess of $37,500).
[3] Taxable income less $2,700 ZBA times 25 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 7]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$200,000	$200,000	$200,000
Long-term capital gains	400,000	400,000	400,000
Interest and dividends	400,000	400,000	400,000
Less:			
Capital gains exclusion	240,000	.....	.....
Dividend exclusion	200	.....	.....
Net interest exclusion	900	.....	.....
Plus:			
Employer paid health	.....	1,200	.....
Employer paid life	.....	2,000	.....
Equals: Adjusted gross income	758,900	1,003,200	1,000,000
Itemized deductions:			
Mortgage interest	108,000	108,000	108,000
Other interest	100,000	50,000	50,000
Property tax	10,000	10,000	10,000
Sales tax	4,000	.....	.....
Income tax	100,000	100,000	.....
Charity	50,000	50,000	50,000
Total	372,000	268,000	218,000
Less: Zero-bracket amount	3,400	6,000	3,500
Equals: Excess deductions	368,600	262,000	214,500
Adjusted gross income	758,900	1,003,200	1,000,000
Less:			
Exemptions	4,000	5,200	8,000
Excess deductions	368,600	262,00	214,500
Equals: Taxable income	386,300	736,000	777,500
Income tax (and total tax)	[1] 174,550	[2] 263,312	[3] 193,500
Marginal tax rate (percent):			
Ordinary income	50	30	25
Capital gains	20	30	[4] 25

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[3] Taxable income less $3,500 ZBA times 25 percent.
[4] After 10-year transition, taxpayer does not have option to exclude 25 percent of capital gain without indexing, which makes the rate 18.8 percent.

BRADLEY-GEPHARDT PROVIDED EXAMPLE

[Married taxpayer No. 6]

	1984 law	Bradley-Gephardt	Kemp-Kasten
Income:			
Salary	$200,000	$200,000	$200,000
Interest and dividends	800,000	800,000	800,000
Less:			
Dividend exclusion	200	.....	.....
Net interest exclusion	900	.....	.....
Wages exclusion	.....	.....	.....
Plus:			
Employer paid health	.....	1,200	.....
Employer paid life insurance	.....	2,000	.....
Equals: Adjusted gross income	998,900	1,003,200	1,000,000
Itemized deductions:			
Mortgage interest	180,000	180,000	180,000
Other interest	100,000	50,000	50,000
Property tax	10,000	10,000	10,000
Sales tax	4,000	.....	.....
Income tax	100,000	100,000	.....
Charity	50,000	50,000	50,000
Total	444,000	390,000	290,000
Less: Zero-bracket amount	3,400	6,000	3,500
Equals: Excess Itemized deductions	440,600	384,000	286,500
Adjusted gross income	998,900	1,003,200	1,000,000
Less:			
Exemptions	4,000	5,200	8,000
Excess itemized deductions	440,600	384,000	286,500
Equals: Taxable income	554,300	614,000	705,500
Memo: Zero-bracket amount	(3,400)	(6,000)	(3,500)
Income tax	[1] 258,550	[2] 238,232	[3] 175,500
Additional payroll tax	.....	.....	.....
Total tax compared with current law	258,550	238,232	175,500
Marginal tax rate (percent):			
Ordinary income	50	30	25
Capital gains	20	30	18.8

[1] From 1984 tax law tables.
[2] Taxable income less $6,000 ZBA times 14 percent, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[3] Taxable income less $3,500 ZBA times 25 percent.●

SOVIET DAY OF SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on August 21, the people of Czechoslovakia and Americans of Czechoslovakian descent will commemorate the 16th anniversary of the 1968 invasion of Czechoslovakia by the Soviet Union.

On this day of Soviet shame, over 500,000 soldiers were sent by the Communists to the peace-loving Czech nation in order to suppress all moves toward freedom, liberty, and self-determination. This unprovoked act by the Soviet Union serves as a bitter and grotesque reminder to the world that there is no place for human freedom and human dignity in the ideology of the barbaric Soviet authorities in the Kremlin.

Today, Soviet brutality and inhumanity still rule in the captive nation of Czechoslovakia, and we, as Americans, must be persistent in our support for the Czechoslovakians' continuing efforts to achieve self-determination and freedom from outside domination.

At this point in the RECORD, I would like to share with my colleagues excerpts from an article by Mark Brandenburg, appearing in the April 23,

1984, edition of "The New Republic," which outline these efforts of the people of Czechoslovakia to break the yoke of oppression. The article follows:

UNDER THE ICE—CZECHOSLOVAKIA'S STIRRINGS OF REFORM

(By Mark Brandenburg)

Czechoslovakia today may be compared to a lake permanently covered by a thick layer of ice. On the surface nothing stirs. But under the ice things are on the move. In the West this subglacial movement is known, if at all, by the label "Charter 77." Charter 77 is often thought of as a dissident political organization. This it is not, and cannot be. The original Charter Declaration on January 1, 1977, proclaimed a "free, informal, open community of people of different convictions, different faiths, and different professions" united to work for the respect of human and civil rights. It emphasized that "Charter 77 is not an organization" and "does not form the basis of any oppositional political activity." Of course, these disclaimers were partly tactical, since to form *any* independent organization ("political" or not) is a crime in Czechoslovakia's lawbook. But there are more than sufficient reasons why Charter 77 has not in practice built the kind of organization that its Polish cousin, KOR, developed before August 1980. "KOR began where the Charter leaves off," one Chartist told me.

From the start, the Chartists were fiercely and systematically persecuted. Détente did not help to protect them as it helped to protect leading KOR members until 1980. Czechoslovakia's hard currency debt has never been so large as to provide a significant lever for the West. In the fall of 1979 the playwright Vaclav Havel and four other members of the Committee for the Defense of the Unjustly Prosecuted were themselves unjustly prosecuted and summarily convicted despite worldwide protests. Havel was released from prison only last year, seriously ill. He described to me the oppressive police surveillance under which he now lives: the threat of a house search hanging over him whenever he sits down at the typewriter; the knowledge that every visitor is photographed and every conversation is bugged; secret policemen following him wherever he goes—even into the sauna.

In the most recent example of Husak's justice, a 31-year-old worker, Jiri Wolf, was condemned to six years' imprisonment for "subversion." His offense: writing a letter to the Austrian Embassy about prison conditions. This is the longest sentence yet given to a Chartist and follows a previous sentence of three and a half years.

"Why bother to make trouble for yourself by saying these things out loud?" the philosopher and former Charter spokesman Ladislav Hejdanek was asked by his factory work-mates. "We all know them anyway." This lack of active support from the industrial working class—not to mention the prosperous agricultural workers—is the second reason Charter cannot follow the path of KOR.

A third, grave liability is the lack of protection from the Church. Since the Stalinist period, the majority Catholic Church has been persecuted, broken, and corrupted to an appalling degree. In the early 1950s all of its monastic orders were simply dissolved: some eight thousand of the country's twelve thousand monks disappeared into labor camps. Bishops, priests, and theologians were imprisoned for up to fifteen years. The minority Protestant Churches were co-opted or coerced.

Since then, all the clergy in Czechoslovakia have been, in effect, employees of the Communist state. Their salaries are paid by the government, which has a veto on all Church appointments. If a priest displeases the state by preaching "political" sermons, or simply by attracting too many young people to Church, he is forbidden to practice his vocation. That is why the man the Vatican appointed as Bishop of Hradec Kralove had to work as a milkman. In Poland the Catholic Church plays a great, independent role. In East Germany the Protestant hierarchy can do something to shield unofficial peace activists. But in Czechoslovakia the churches are crippled, and the most courageous priests are simply banned from the pulpit.

In these conditions it is a miracle that the Charter has survived at all—like a candle burning underwater. It has done so thanks to the extraordinary fortitude of people like Vaclav Benda, a Catholic intellectual who, emerging from four years' imprisonment, has once again taken up the job of Charter spokesperson (one of three), despite illness and reprisals against himself and his children. Benda, a stout, bearded man in his mid-30s, admits that the ranks of the thousand-odd signatories of the Charter have been depleted by emigration, imprisonment, and sometimes resignation. Nonetheless, the eight-year-old Charter can claim to be the longest-lived human rights movement in Eastern Europe, and he quotes his first spokesman, Jan Patocka: "This is not a battle but a war." The Chartists, he says, have served as the "front line," behind which hundreds of newcomers have quietly joined the ranks of nonconformity.

Who knows how many people are seated at their typewriters every evening, typing out a manuscript with ten carbon copies, for *samizdat* distribution? Judging by the quantity of *samizdat* I saw in my visit, it must be hundreds, if not thousands. After 1968 the Czech lands became what Milan Kundera called a "literary Biafra." Virtually all the best contemporary Czech writers are published only in *samizdat.* And besides the *samizdat,* there are unofficial seminars and discussion groups. For obvious reasons of secrecy, no one person has an overview of this miniature counterculture; but its main concerns are visible.

The Chartists are trying to salvage Czech history from the regime of forgetting. In the study of a former professor of literature, I noticed a fine bust of Thomas Masaryk, President of the pre-war Czechoslovakian Republic. He explained that the bust was commissioned for his university in 1947. After the Communist takeover in 1984 it could not be exhibited. "So I am keeping it in trust until it can be returned to its proper place." Only recently, he told me, the citizens of Nove Mesto woke up one morning to find their statue of Masaryk gone from the main square. "The spot was already half paved over." Another blow for the President of forgetting. But wherever I went, in private flats I found busts of Thomas Masaryk.

The Czechs are intensely proud of their inter-war democracy, which they justly claim was unique in Central and Eastern Europe. Yet the counterculture is distinguished by a fiercely self-critical approach to that history. "We regard the expulsion of the Sudeten Germans in 1945 (under Benes) as the first act of totalitarianism in our country," one passionate Czech told me. To most Western observers, the three national tragedies of Czechoslovakia—1938 (Munich), 1948 (Communist coup), and 1968 (Warsaw Pact invasion)—seem to have been events beyond the Czech's control: our fault in 1938, the Russians' (and ours') in 1948, the Russians' in 1968. But they ask: What could Masaryk, Benes, or Dubcek have done to prevent it?

Predictably, the closer the event the fiercer the controversy, so 1968 is the subject of fierce polemics between Chartists. Ex-party members are the tightest single group within the Charter, and many of them still cherish the hope of 1968: that change must come through the party. Consequently, these self-styled "Eurocommunists" insist on the necessity of "dialogue" with the Communists in power—their former comrades. However, as one ex-Communist wryly remarked, "the only 'dialogue' I have is with my interrogator." "Please don't imagine I have any illusions about the dialogue," Dr. Jiri Hajek, Dubcek's foreign minister in 1968, hastened to assure me. He no longer expects any major political results from talking to the party; but he does think this dialogue would be a stimulus and example to society at large.

Non- and anti-Communist Chartists call these residual hopes residual illusions. But they do not yet have any alternative political strategy. Where the Eurocommunists think in terms of power and diplomacy, they think in terms of metaphysics and theology. The difference is nicely illustrated by the underground (or subglacial) debate about peace. On this issue the range of opinion among Chartists is as wide as in the West. I met both passionate Reaganauts and passionate supporters of Western "peace movements." But whereas the Eurocommunists, like Western peaceniks, pose direct political questions—what is to be done? which argument will persuade whom?—the non-Communists argue at a deeper level.

Of course, the Chartists see that a Czech Solidarity is as likely as a fire under ice. But they also see that the development of the *samizdat* counterculture and the growing alienation of private opinion, combined with economic and political stagnation, have begun at least to make the ice mushy on the underside. If ever a real thaw comes—from above? after change in Moscow?—they will be ready with their busts of Thomas Masaryk, their editions of Franz Kafka, and their memorials to Jan Palach. They know from their own experience in 1968, and from the Polish experience in 1980-81, how suddenly a country which seems atomized, apathetic, and broken, can be transformed into an articulate, united civil society. How "private opinion" can become public opinion. How a nation can stand on its feet again. And for this they are working and waiting, under the ice.

In commemoration of the Soviet day of shame, I join with Americans of Czechoslovakian descent in the 11th Congressional District of Illinois which I am honored to represent, and all over this Nation, as we pause to pay tribute to the brave men, women, and children of Czechoslovakia who must daily live under this persecution, and we renew our strong commitment to the rights of the Czechoslovak people in their efforts to determine the course of their own destiny free from Communist domination.●

THE CASE FOR A COMPREHENSIVE EMPLOYMENT STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, the good news of America's recovery from the 1981 recession has obscured the bad news that 8.5 million American workers are still on the economic sidelines—fully 7.5 percent of the work force. Further, based on the July 1984 estimates of the Bureau of Labor Statistics, nearly 1.3 million people are discouraged workers who want to work but have given up trying to secure employment because of consistent failure in finding another job.

The drop in unemployment we have experienced since the 1981 recession has still left most manufacturing industries—smokestack industries—far from the prerecession unemployment levels. The current modest recovery masks the ever-increasing shift in the industrial base of America away from many areas of the traditional manufacturing sector of our economy toward an expanding high-tech-oriented service sector. We have a long way to go to meet the goal of a truly full employment economy.

When discussing unemployment in the United States today, a distinction must be made between cyclical and structural unemployment. Cyclical unemployment is "normal" unemployment resulting from an economic downturn. The new "structurally unemployed"—the growing ranks of skilled, middle class workers whose jobs have been wiped out by imports, obsolescence, and the restructuring of American industry—are those who remain unemployed even when the economy is in recovery.

While a recovery will tend to reduce or "solve" the cyclical unemployment problem, it does little or nothing for the structurally unemployed—the middle-aged and older workers stuck with obsolescent job skills. And the structural unemployment problem is getting worse. For example, a 1981 study at the Carnegie-Mellon University concludes that by 1990 the use of cybernetics alone could cut the manufacturing work force by 3.8 million, a figure corroborated by researchers at the Arthur D. Little consulting firm.

Several solutions have been proposed by both economists and employment policy planners alike to reduce both types of unemployment: targeted jobs tax credits, a subminimum wage, the Job Training Partnership Act, creating individual training accounts, and a public works program, among others.

Another idea is my proposed H.R. 5748, the "Unemployment Insurance and Adjustment Assistance Act of 1984". This bill would provide for 3-year demonstration projects in two States of provisions under which unemployed individuals could elect to receive training, education, and relocation assistance in lieu of certain extended or other additional unemployment compensation benefits.

Unemployment insurance is often inadequate for the growing number of Americans who are displaced from their traditional jobs by the robotization of our manufacturing sector (estimated to reach at least 10-15 million people by the year 2000, according to Pat Choate, a policy analyst with TRW, Inc.). A continued extension of Federal Supplemental Compensation and other unemployment insurance benefits are shots of painkiller, but do little for the vast majority of those workers who are willing and able to participate in programs to help them find jobs.

For millions of Americans, the current unemployment insurance system (far from being the "prepaid vacation for freeloaders" that President Reagan claimed—in an interview with the Sacramento Bee, April 28, 1966—while Governor of California and has consistently upheld in his policy actions since his inauguration) provides a meager allowance that disguises the fact that they—and their government—need to design a comprehensive employment strategy. The development of a viable, cohesive, and coordinated total labor adjustment policy is essential to the future not only of these workers, but to the economic survival of the United States.

The Business-Higher Education Forum addressed this point in a newly published report ("The New Manufacturing: America's Race To Automate", June 1984) wherein its authors observed that, "to insure that America's workers—the Nation's single most valuable economic resource—are adequately trained and educated, the United States must develop and implement a national strategy for education, training and retraining at all levels."

Among the issues which must be addressed in creating a comprehensive labor adjustment policy are:

1. Large distortions in international exchange rates.

2. New technologies to make American industries more competitive.

3. A "fair" trade policy for U.S. exporters and for foreign imports into the United States.

4. The unemployment caused by a more technologically oriented economy.

5. The matching of new skills and occupations with emerging jobs in rapidly developing computer-based industrial and service sectors.

6. The creation of education, training, and retraining programs focused more to future job market needs than to those of the past.

It is in these last three areas where I believe the House Ways and Means Subcommittee on Public Assistance and Unemployment Compensation can play a leading role. We do not have the luxury of addressing these issues as if they existed in a vacuum, each a distinct problem in and of itself. This has historically been the way we address unemployment. By new problems must be responded to in new ways. We cannot afford to have Ways and Means look at one aspect, hoping Education and Labor covers a second, while neither adequately addresses the total unemployment picture.

By the latest Census Bureau estimates, 15.2 percent of Americans were living in poverty in 1983—a disturbing jump of 0.2 percent over the previous year. To break the cycle of poverty and unemployment, we must enact legislation which coordinates extended unemployment insurance with retraining and relocation programs, and we must do it now. A massive program of retraining, education, and relocation must be undertaken to get these new generations of unemployed workers back on their feet again.

Clearly, the economy now is creating new jobs, but not necessarily requiring the same skills possessed by the currently unemployed nor located in the same regions where large numbers of structurally unemployed workers live. While it is true that a certain percentage of the jobs lost to high-tech modernization might be regained, a majority of those getting a new occupation will be working for substantially less pay in a service oriented job. We must also face up to the sobering fact that some jobs are gone forever.

It is to this reality that we must orient our policymaking vision. Hopefully, the Congress will have the clarity of perception and foresight to solve this critical problem facing not only American workers, but the Nation as a whole. One of the most secure ways to accomplish this is through the rigorous application of a program of training, education, and relocaton assistance for those workers who opt to utilize this comprehensive labor adustment strategy.●

TRIBUTE TO SENIOR COMPANION PROGRAM IN KENTUCKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, I rise today in tribute to the Senior Companion Program in Kentucky. I am pleased to have this opportunity to salute the 3,500 low-income men and women over age 60 who act as senior companions to other senior citizens with special needs for the purpose of providing them with unique and special services.

These dedicated individuals selflessly volunteer their time to provide assistance to others by arranging transportation for elderly citizens, by helping them to prepare meals, by reminding them to take medication, and by assisting elderly patients during their periods of hospitalization as well as when they are discharged to their homes.

Perhaps most importantly, however, the volunteers in the Senior Companions Program provide invaluable companionship and friendship to their elderly clients, and gain for themselves the satisfaction that comes with helping the less fortunate.

I am especially pleased at this time to recognize the Senior Companions of the Audubon Area Community Services, Inc., who serve the counties of Christian, Daviess, Henderson, Hopkins, Lyon, McLean, Muhlenberg, Ohio, Trigg, Union, and Webster, in the First Congressional District of Kentucky. In 1983-84, this exemplary program supported 109 volunteers serving 402 clients with a total of 92,040 service-hours.

On August 27, 1984, the Audubon Area Community Services 1984 Volunteer Recognition Day Luncheon will be held in Owensboro, KY, as part of the local celebration to honor the senior participants in the program as well as the service and success of individual county projects.

Although the Congress will be in recess on August 27, I want to take this opportunity today to commend our Senior Companions in Kentucky for the fine services they provide to their fellow senior citizens. It is, indeed, an honor and a pleasure for me to recognize their outstanding work, and I wish them continuing success in the coming years.

ALCOHOL ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

● Mr. BROWN of California. Mr. Speaker, alcohol abuse is prevalent in our society, yet far too few people understand either the dangers or causes. Few people worry about those people involved in "drinking contests" until they are found dead the next morning, having "slept it off"; few realize that consuming merely two beers within an hour—for a man of average weight—may cause a 25-percent impairment in driving ability; few are aware that for a sizable minority alcohol is addictive; and few women know that fetal alcohol syndrome is the third most common cause of birth defects.

Scientifically we know many of the dangers of alcohol abuse, but what makes some people more susceptible than others? Some of it is due, no doubt, to cultural and religious backgrounds. There are many Seventh-day Adventists and Mormons in my district, and I have long admired both religions' commitment to better health, including abstaining from alcohol. Both organizations actively promote alcohol education. For the Adventists, the basic priniciples regarding the nature and danger of alcohol were revealed to the church more then 100 years ago through Ellen G. White, whom the church considers divinely inspired. The truth of her revelations are now being confirmed by science and research.

More than 150 years ago, Joseph Smith, the prophet and founder of the Church of Jesus Christ of Latter-day Saints, received what believing members of their church regard as a revelation from God known as "The Word of Wisdom." The Word of Wisdom enjoins the use of alcoholic beverages, tobacco, and other harmful substances.

At this time, I would like to insert two letters I received from Francis A. Soper of the Seventh-day Adventists and Richard P. Lindsay of the Church of Jesus Christ of Latter-day Saints regarding their churches' position on alcohol consumption, and the health benefits they derive from adhering to these convictions.

GENERAL CONFERENCE OF
SEVENTH-DAY ADVENTISTS,
Washington, DC, June 28, 1984.

Congressman GEORGE BROWN,
Rayburn Building—Office 2256,
Washington, DC.

DEAR CONGRESSMAN BROWN: This letter is being written in response to a suggestion by our mutual friend William Plymat that I convey to you an idea of the contribution Seventh-day Adventists have made through the years on alcohol education. I'm writing this from Andrews University while teaching a graduate course in our Seminary to help train our church pastors to make a contribution in this very subject in their respective communities when they complete their courses.

From their very beginning Seventh-day Adventists have been active in various phases of healthful living, both for their own adherence and for the community in general. They consider the human body and mind to be the temple of the Holy Spirit, to be held sacred and protected from inroads of unhealthy practices or habits.

For this basic reason, the church has ever been active in educational programs to encourage the nonuse of alcohol and other drugs. The nonuse of alcohol is a matter of church fellowship. No one is accepted into church membership if it is known that he is an alcohol user.

Basic principles regarding the nature and danger of alcohol were revealed to the church more than a hundred years ago through Ellen G. White, whom the church considers divinely inspired. The truth of her revelations are now being confirmed by science and research.

For church adherence, continuing efforts are put forth to establish members in these convictions, beginning at a very early age, even in elementary school. School temperance chapters are active at each educational level, sponsoring projects and programs for student initiative. Visual aids, films, and literature are provided for this purpose. Students are also organized and instructed how to present educational programs in other schools and community groups, to encourage further a positive life-style.

The church has as one of its major organizational units the Department of Health and Temperance to oversee and direct this phase of its ministry worldwide.

In a major continuing outreach to the public regarding alcohol education, the chruch has produced several documentary films such as, "Just One," "Verdict at 1:32," and "Crutch for All Seasons." These have been used in many countries and translated into major languages.

Publications too are a major part of the contributions Seventh-day Adventists have played in alcohol education. Particularly outstanding is Listen magazine, a colorful monthly, especially youth slanted, portraying the positive-alternative life-style in a contemporary format. This journal is used as curriculum-aid material in some 30,000 schoolrooms across the country. For the elementary level is the The Winner. It's evident these days that pressures toward the use of alcohol (we don't agree with such words as "misuse" and "abuse" since these words intimate that there is a use of alcohol that's perfectly safe) begin now at a very early age. Other types of literature in the form of books, brochures, and charts are also widely used.

In many areas the church has actively initiated or supported efforts to deal with the drunk-driver problem and has cooperated to develop measures to restrict, control, or regulate alcoholic beverages.

The church is increasingly becoming involved in helping alcoholics. Several of our health-care centers are sponsoring treatment facilities, cooperating with community health agencies. Also, a chain of treatment clinics is being established for the express purpose of aiding the victims of alcohol.

In addition, the church has taken considerable intitiative in sponsoring national and international organizations to further educational and research programs on alcoholism and drug problems, such as the International Commission of the Prevention of Alcoholism (ICPA), which has organized four world congresses on the subject and is looking forward to a fifth one to be held in Rio de Janeiro this August. Several countries have national committees as affiliates of the ICPA. These hold annual seminars to train leaders and educators in the prevention field.

All in all, Seventh-day Adventists have through the years made a major contribution to alcohol education, both in the church and outside its church ranks, in the strong conviction that sober people make better citizens of this world and of the next and can live much better and safer lives for themselves, their families, their community, and their country.

I trust, Congressman Brown, that this is along the line you had in mind in talking with Mr. Plymat.

Sincerely,

FRANCIS A. SOPER,
Associate Director.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, PUBLIC COMMUNICATIONS DEPARTMENT,

Salt Lake City, UT, June 29, 1984.

Hon. GEORGE E. BROWN, JR.,
Rayburn Building,
Washington, DC.

DEAR CONGRESSMAN BROWN: We are writing this letter to share with you the history and position of The Church of Jesus Christ of Latter-day Saints (Mormon) concerning the consumption of alcoholic beverages.

More than 150 years ago, in February 1833, Joseph Smith, the prophet and founder of The Church of Jesus Christ of Latter-day Saints, received what believing members of our church regard as a revelation from God known as "The Word of Wisdom." This revelation outlines a health code which faithful Mormons have followed since that time.

The Word of Wisdom enjoins the use of alcoholic beverages, tobacco, and other harmful substances. It contains this promise to all who follow it:

"And all saints who remember to keep and do these sayings, walking in obedience to the commandments, shall receive health in their navel and marrow to their bones;

"And shall find wisdom and great treasures of knowledge, even hidden treasures;

"And shall run and not be weary, and shall walk and not faint." (Doctrine and Covenants 89:18-20)

While not all members of our church observe this health code, the majority do. The results of this are reflected, at least in part, in Utah statistics concerning the leading causes of death. In Utah, Mormons constitute approximately 70 percent of the state's population. While these statistics do not reflect religious affiliation or the level of religiosity, they are, nonetheless, noteworthy.

According to death rate statistics published in the Statistical Abstract of the United States—1982-83, Utah ranked: 48th in diseases of heart, 50th in malignant neoplasms, 49th in cerebrovascular diseases, 31st in accidents, 49th in pulmonary diseases, 42nd in pneumonia/flu, 39th in liver disease and cirrhosis, and 49th in arteriosclerosis.

Concerning the use of alcohol, Utah consistently ranks at or near the bottom in per capita consumption.

For example, according to a February, 1984 report of the Alcohol Epidemiologic Data System (AEDS), Utah was 50th among the states in per capita consumption in gallons of absolute alcohol for the four-year period 1979-1982.

The Church of Jesus Christ of Latter-day Saints has gone on record with the following recommended deterrents to the tragic impact on homes and family relationships resulting from alcohol abuse:

1. Promote further restrictions on the sale and distribution of alcoholic beverages;

2. Maintain and/or reinstitute the 21-year age requirement for legal sale or consumption of alcoholic beverages;

3. Promote restriction of the allowable modes and population targets of beverage alcohol advertising, especially for minors;

4. Legislatively discourage the profit-motive associated with the manufacture and sale of alcoholic beverages;

5. Provide a more strict enforcement of laws designed to discourage or restrict alcohol use, particularly those relating to liquor sales and driving under the influence;

6. Promote creative family-centered educational opportunities directed at the prevention of alcohol abuse. Abstinence should be included as a positive alternative in abuse prevention;

7. Promote the development of social priorities which will strengthen the place of families in the community and allow or encourage parents to assume rightful responsibility for their children.

We are pleased to respond to your request for us to express our views on this most important issue.

Yours sincerely,

RICHARD P. LINDSAY, Ph.D.,
Managing Director.

Unfortunately, most of us do not have the moral fiber to abstain entirely from alcohol. So the question still remains: Why are some people more susceptible to alcoholism than others? Some of the answers are contained in a recent article by William N. Plymat, Sr., executive director of the American Council on Alcohol Problems, in its spring publication, The American Issue. Mr. Plymat's years of study have brought him to the conclusion that a comprehensive program utilizing successful approaches such as those used by Alcoholics Anonymous, aversion conditioning, and nutritional therapy has the best chance of success.

Incorporated into this approach must be an understanding of our biological susceptibility. We know that alcoholism is a disease, but Mr. Plymat informs us of other biological factors important to our understanding of alcoholism. Genetic background, liver damage, and immaturity of the hypothalamus, among other factors, may contribute to one's level of susceptibility to alcohol. I commend to my colleagues Mr. Plymat's article, which is of importance to our understanding of a health problem costing society more than $100 billion annually:

[From the American Issue, April-June, 1984]

ALCOHOLISM—WHAT IS IT? WHAT ARE ITS CAUSES? WHAT CAN BE DONE TO ARREST IT?

(By William N. Plymat, Sr.)

Over a period of several decades I have observed, studied, and researched the problem of alcoholism. During those years my understanding of alcoholism evolved as I accumulated new facts and opinions. I have often spoken and written on the subject, yet on each such occasion I have had some new piece to fit into the puzzle. Today I view alcoholism as a condition about which a great deal is known, yet for which there is no agreed-upon definition, no agreed-upon cause, and no agreed-upon cure. There is general agreement, however, with regard to symptoms and consequences.

Alcoholism can be measured by the volume of alcohol consumed and consequent physical damage to major organs of the body, and by patterns of behavior destructive to one's relationships and profession. We know that most alcoholics experience "blackouts," loss of memory with regard to periods of time when others saw nothing amiss in the individual's conduct. Alcoholics, for example, may encounter friends who remark, "What a time we had last night." The friend may describe events that transpired of which the alcoholic has absolutely no recollection. In fact, at that moment the alcoholic may be desperately trying to remember where he parked his car. We also know that a majority of alcoholics are employed during most of their drinking career, and therefore that alcoholism is not totally debilitating during all phases of its development. Alcoholism is progressive, usually requiring ten or more years of increasingly heavy consumption before complete disfunction results.

We know that there are various types of alcoholics—those who consume large quantities of alcohol within short time periods each day, those who have relatively low blood alcohol levels 16 hours a day, and those who may remain abstinent for months before a week-long "bender."

IS IT A DISEASE?

Alcoholism is now widely accepted as a disease or illness, and has been defined as such by the medical profession. Yet doctors usually stop short of declaring alcoholism to be either a disease of the mind or body. The safest opinion is that it is both. The notion that alcoholism arises from lack of will power, irresponsibility, etc., has become passe. Yet if alcoholism is a disease, what is its cause? Diseases, by definition, must have causes.

CHARACTER DEFECTS

Alcoholics Anonymous, the oldest and most widely recognized method of recovery, stresses the ten common character defects observed in alcoholics. Since AA has been a genuine source of sobriety for thousands, it is easy to reach the conclusion that AA's form of "head shrinking" goes to the heart of the problem. AA is effective, for some, but its success may be due to the fact that its group process taps inate human strengths, rather than to any accuracy of diagnosis. Alcoholism may have little to do with character defects. The "psychopathic" defects observed in alcoholics may be symptoms, not causes. Certainly the alcoholic's "stinking thinking," as defined by AA, is real. But that thinking maybe a consequence of repeated efforts to rationalize behavior caused by other factors.

PHYSIOLOGICAL CAUSATION

It has been observed that alcoholism "runs in families," that children of alcoholic parents, raised in foster homes without knowledge of their genetic inheritance, often develop similar problem-drinking patterns. It has been documented that certain ethnic groups—Native Americans, the Irish and Scandinavians—have disproportionate susceptibility to alcoholism, while other populations—Orientals and Arabs for instance—experience negligible addiction potential. Some of these observations have been questioned by members of the various ethnic groups. They feel unfairly stigmatized, and point to cultural differences, socio-economic conditions, etc., to account for their population's alcohol problems. It is true that there are greater differences between individuals than between groups of any kind, yet the ethnic connection is supported by studies of individuals with particular ethnic backgrounds who are transplanted to other cultures.

I feel that physiology is the most likely cause of alcoholism, at least in the majority of cases. But scientific findings point in many different directions. Perhaps, since there are various alcoholic types—as defined by drinking behavior—there may be equivalent types of causation.

THE HYPOTHALAMUS

Dr. Jorge Valles, MD, was once director of research and treatment programs for the Veterans Hospital in Houston. He also served as Clinical Assistant Professor of Psychiatry at Baylor University's College of

Medicine. In his book, "From Social Drinking to Alcoholism," he contends that alcohol addiction is largely due to the sensitivity of the hypothalamus, the portion of the brain that controls the autonomic nervous system. He also states that the hypothalamus is immature until approximately the age of 21, and that teenagers run a higher risk of addiction the earlier they begin drinking. The hypothalamus hypothesis may explain the "instant alcoholic," the individual who enters into an addictive consumption pattern with the very first drink.

HYPERINSULINISM

E. M. Abrahamson, MD, and A. W. Pezet are authors of the book, "Body, Mind and Sugar." They propose that alcoholism may be linked to the body's over production of insulin. They note that there are few diabetic alcoholics and that the symptoms of a hangover are similar to those of hyperinsulinism in its most definitive forms. Grassroots observation largely confirms the sugar connection. In at least 40% of recovered alcoholics a pronounced craving for sweets develops following sobriety.

THE DAMAGED LIVER

It has been observed that social drinkers, with no previous alcoholic pattern, frequently become alcoholics following liver damage from hepatitis or toxic exposure to a chemical such as carbon tetrachloride. In laboratory experiments mice were offered liquid diets of water and diluted alcohol. Control groups preferred water. Mice with damaged livers preferred alcohol. We know that cirrhosis of the liver is a common cause of death in alcoholics and that the onset of the disease is directly related to the quantity of alcohol consumed over a period of years. Since alcoholism is often preceded by years of progressively heavy social drinking, perhaps the final descent into addiction is directly related to cumulative liver damage.

INHERITED KIDNEYS

Research has discovered at least one biological mechanism that directly corresponds to observations of ethnic susceptibility. It is known that different ethnic groups "process" water differently. Races long resident in desert climates have kidneys that minimize the loss of fluid, while races bred in wet tropical or temperate zones pass liquid more quickly. In experiments with desert and arctic foxes it was found that alcohol intake had demonstrably different effects. Desert foxes quickly became sleepy, a defense against dehydration. Arctic foxes, accustomed to plentiful water supplies, behaved as though alcohol were an irritant. The diuretic action of alcohol caused a "revolving door" increase in liquid consumption. This theory is supported by observation of social drinking. A few drinks will make non-alcoholics sleepy, while the same dosage seems to arouse thirst mechanism of alcoholics. There seems to be more at work than mere alcoholic tolerance. Certainly heavy drinkers have developed higher intoxication thresholds. They have learned to "hold their liquor." Yet there is a wide range of tolerance to the sedative action of alcohol.

OTHER FACTORS

It has been documented that the incidence of color blindness in alcoholics is greater than in the general population. Similarly, an unusually large proportion of alcoholics have blood type A. Compared with control groups, alcoholics have been found to have abnormalities in adrenal gland function and regulation of blood pressure. There are fewer bald male alcoholics than should be expected given the general prevalence of baldness. Liver enzymes differ, as do the end products of amino acid digestion. These unconnected discoveries cannot easily be fitted into a clear pattern of alcoholism causation, but they lend credence to the belief widely held by researchers that several, perhaps many, biological differences exist between alcoholics and their social-drinking or abstaining counterparts. It is likewise uncertain whether these differences are causes or consequences of alcoholism. Since they are statistically significant distinctions, mere coincidence can be ruled out.

ADDICTION

There is no question that alcohol is an addictive drug. Pharmachologically, alcohol is a depressant and shares many of the attributes of the minor tranquilizers—Valium for instance—and the major sedatives—the barbiturates. Alcohol addiction is similar to heroin addiction. Increasingly large doses are required to attain intoxication. Withdrawal is accompanied by hallucinations and extreme physical discomfort, and in extreme cases life-threatening convulsions. Large doses of both drugs depress respiration resulting in death. Clearly, the depressant actions of alcohol are equivalent to the actions of other chemicals knows to be physically addicting. everyone knows that a person of strong moral fiber may become "hooked" on a physically addictive drug.

Complete physical addiction, however, may only be an extreme form of the disease. The threshold at which one may be said to be alcoholic is considerably below that at which delirium tremens occur. Alcohol dysfunction, in terms of inability to maintain family relationships and professional performance, occurs at levels far below those that require hospital-ward detoxification.

Drug addiction involves psychological as well as physical dependence. It is possible to become addicted to marijuana, for example, even though the drug possesses no physical-dependence properties. The perimeters of psychological dependence include various degrees of distress, unease, agitation, and anxiety when the drug is removed. All these are features of alcohol dependence.

Thus, it is possible that many alcoholics suffer none of the character defects outlined by AA. They may belong to none of the susceptible ethnic groups. They may have normal sugar metabolism, normal hypothalmic insensitivity, and may trace their ancestry to a dry climate. In short, they may fit none of the stereotypes. They may merely react compulsively and addictively to the pleasurable physical and emotional sensations that result from the effect of alcohol on the brain.

People take psychoactive drugs because the effects are perceived as pleasurable, stimulating, or in some way rewarding to the psyche. There is a natural motivation to repeat behavior that results in pleasure, and this motivation is linked to the subconscious mind. While Freud was investigating the causes of aberrant behavior, searching for obscure youthful experiences to account for adult traumas, Pavlov was discovering the "conditioned reflex." Today, psychologists are divided into one or another discipline. Freudian psychiatrists delve exhaustively into the reasons for emotional maladies, probing often for years into the illusory roots of mental disorders. The behaviorists are not much concerned with discovering the deep-seated mysteries of the mind. Their objective is to effect a beneficial change in behavior, which they believe can be accomplished by negating the harmful "learned" response.

The Freudian question, "Why do you hate your mother?" has little if anything to do with alcoholism. The conditioned-reflex approach is much more pertinent to recovery from abusive behavior. Alcoholics may consciously admit to a realization that alcohol is killing them without being able to erase the subconscious programming that perpetuates their drinking behavior. Increasingly it is being recognized the behaviorists have better tools to arrest this disease process.

FINDING SOBRIETY

There are countless facilities that offer recovery programs for alcoholics. Insurance companies that provide employee group benefits recognized long ago that by funding alcoholism programs they could ultimately reduce medical claims. The sooner an alcoholic can be "cured" the less the insurance company will pay out in the long run to treat the consequences of prolonged drinking. This sensible attitude on the part of insurance companies has led to creation of hospital units that specialize in detoxification and counseling. In addition, there are hundreds of tax-supported public institutions that attempt to deal, often inadequately, with alcoholism in their communities.

Most alcoholism programs rely heavily on some variation on the Alcoholics Anonymous theme. AA stresses the "12 Steps" to spiritual redirection, a system that ignores biological causation and deals only with the individual's desire to recover. It is recovery via role model, with the recovered alcoholic saying to the unrecovered, "You can do it because I did." This peer process is effective because the example of those who've succeeded demonstrates to the alcoholic that recovery is possible, something he was not previously prepared to accept.

When AA principles are applied by doctors, nurses, and counselors the effects are scarcely the same. The alcoholic believes, justifiably, that the therapist lacks a real understanding of what living with alcoholism is all about. The "jawboning" that comprises most alcoholism programs is hopelessly inadequate, yet that is all that is generally available in most parts of the country. Some hospitals can point to limited success, but generally the figures are not encouraging.

I investigated one publicly funded alcoholism hospital program in my own community and found that in one year there were 1623 admissions. Of these, 547 were new admissions. The remaining two-thirds were readmissions, with an incredible 514 of those individuals having already been through the mill at least four times previously. The hospital had no records to show the long-term success rate of its program.

Some public, tax-supported institutions may be even worse. Those entering hospital programs often have employers and families who are supportive, and insurance to cover the cost. The individual has considerable motivation to succeed, and it is likely that whatever success is achieved is due to those outside influences. The patient or "client" at a public facility is, in effect, a charity case. The chances for recovery range from slim to none.

The "revolving door" syndrome is a sad commentary on the inadequacies of the medical and social service professions. The hospital program I investigated had treated one patient no less than 47 times, and while

that person could be "dried out" for 30 days at a time, no lasting recovery was achieved.

It is essential that both private and public institutions begin to investigate the handful of recovery programs with demonstrable success rates. The best programs are those that recognize the biological mechanisms and make effective use of scientific principles.

AVERSION THERAPY

If it is true that alcoholism is a drug addiction involving a subconscious conditioned reflex, and if the biological-genetic-hereditary mechanisms are valid, then successful intervention requires a treatment modality that encompasses relevant behavior modification techniques.

Aversion therapy is one such method. It has been employed successfully for nearly fifty years by the Schick-Shadel Hospital in Seattle, and in recent years by two companion hospitals in Santa Barbara and Fort Worth operated by Schick Laboratories; which have treated over 30,000 patients. New patients at the Schick-Shadel Hospitals receive a complete medical "workup." If detoxification is required the treatment process is delayed until the patient is entirely drug free. Medical services are provided to begin correcting malnutrition and other debilitating effects of addiction. These services are similar to, though generally more comprehensive, than those employed by most hospital programs.

When the patient is ready to begin the counterconditioning regimen he is introduced to "Duffy's Tavern," a room in which he can order his favorite drinks. The walls are lined with scores of liquor bottles. Wine and beer are available along with expensive champagne. Whatever the alcoholic is accustomed to drinking, he can get it at "Duffy's."

However, before ordering his first libation the alcoholic receives an injection of emetine, a nausea inducing drug. He is instructed to smell the fragrance of the drink in his hand, imprint the taste on his pallet, and swallow. As the drink reaches the stomach it is automatically sent back the way it came, into a basin in front of the patient. The wave of nausea is brief, but it has a significant impact on the subconscious mind. Conditioned reflexes are being reprogrammed, cancelled out, and replaced with new subconscious associations.

The idea of aversion conditioning is difficult for some to accept, because it defies conventional logic. The fact is that conditioned reflexes have nothing to do with logic. Why, one may ask, does a hangover not serve to imprint negative associations on the subconscious. The answer is that a hangover is a "next-day phenomenon" removed in time from the positively associated state of intoxication immediately resulting from the drinking episode. The hangover is a function of the conscious mind.

At "Duffy's Tavern" the process is repeated with a variety of the patient's preferred alcoholic beverages until the aversion reflex is sufficiently strong to deter drinking in the post-treatment environment. The pro-alcohol conditioned reflex is built and strengthened over a period of years, so the five days spent at "Duffy's Tavern" cannot entirely obliterate it. Yet the anti-alcohol associations are more immediately fixed in the subconscious mind. The patient who decides to drink again can break through the aversion, but the fact is that many individuals simply lose the desire to drink.

The Schick-Shadel Hospital program also includes sodium pentothal interviews, a deep-sleep therapy that allows for the implanting of suggestions that operate in a fashion akin to post-hypnotic suggestions. Pentothal is another method of reaching the subconscious, where the real desire to drink is lodged.

Another feature of the Schick-Shadel program, and one whose impact should not be overlooked is the orientation lecture delivered by the medical director of each hospital. In that lecture the physican outlines many of the biological mechanism theories I've described in this article. Almost without exception the receiving of this information by the patient is an arresting, revealing experience. Watching the faces of patients seated in the hospital lecture hall, one can witness a remarkable transformation. Their expressions range from shock and astonishment to nodding agreement with ideas they'd long held, things they'd suspected about themselves but never heard expressed.

During these lectures, the patient realizes for the first time that he is not a "bad person." He attains a new awareness, one that is clearly therapeutic. Guilt reinforces hopelessness, and the divesting of guilt, if combined with a workable alternative, allows self-forgiveness and positive motivation. One of the accomplishments of the Schick-Shadel program is a renewed sense of selfworth. That leads to good feelings, and the conditioned reflex mechanism requires that behavior resulting in good feelings be repeated.

The Schick-Shadel hospitals employed an independent research organization to conduct follow-up interviews with a random sample of their patients. Those who had been treated at Schick-Shadel from 13 to 24 months previously were found to have a 72% rate of success, as measured by continuous total abstinence.

NUTRITIONAL THERAPY

While the Schick-Shadel treatment procedure has been copied, other modalities have been introduced that offer hope for success. Operating on the hypoglycemia/hyperinsulinism theory, the Health Recovery Center of Minneapolis has adopted a dietary program. This organization maintains that a carefully monitored diet can largely overcome the compulsion to drink. It is possible that this one element of treatment may be entirely successful with a large percentge of patients. I believe that almost any regimen based on theories of biological causation will result in a much higher success rate than methods that rely on traditional counseling techniques.

What is needed, I feel, is collaboration on the part of those in the recovery field to jointly evaluate a range of treatment techniques. If nutritional therapy is somewhat successful, which I believe it to be, and if aversion conditioning is likewise efficacious, then a combination of the two elements may be doubly successful. Similarly, other procedures, based on biological mechanisms, should be fully explored and integrated into a truly comprehensive program.

Alcoholism has far too long been regarded as a malady of the mind and sprit. It is difficult for us, even knowing that biological factors may be chiefly responsible, to divest ourselves of the feeling that alcoholism results from some sort of negative spirituality.

According to a counter-culture slogan, "You are what you eat." Those of us who've not tasted the bitter fruit of addiction can never quite tumble to the truths of its profound, mysterious control over reason, logic, and spirituality. We can, however, strive not to judge others by our standards. We can instead reach out and embrace the things that work—religion, compassion, scientific discovery—and put them to work.●

THE CENTRAL AMERICAN DILEMMA—A CONFLUENCE OF QUAGMIRES

(Mr. LIVINGSTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, I hope my colleagues will give careful attention to the following speech on Central America by Warren C. de Brueys, managing director of the Metropolitan Crime Commission of New Orleans. His thoughful analysis of the Marxist threat in Nicaragua and El Salvador reflect his extensive experience in Latin America in both government service and the private sector.

President Reagan's foreign assistance requests for Central America are designed to defeat this threat, and I commend Mr. de Brueys on his efforts to clearly outline the need for the President's programs, which I strongly support.

The speech follows:

THE CENTRAL AMERICAN DILEMMA—A CONFLUENCE OF QUAGMIRES

(By Warren C. de Brueys)

Not many people in authority in Central America, or, indeed, in many areas of Latin America, wear white hats. Corruption in Government and its attendant inequities, including oppression, have been commonplace in Central America for decades. I don't mean to say none exists in this country. We have our share. The difference lies primarily in the dimensions and flagrancy of that problem. In Central America, the problem is aggravated by immature political systems, nurtured by an abundance of illiteracy and poverty, with a resultant great disparity in the distribution of wealth and privilege—in short, a political and social quagmire!

That political and social quagmire, indeed, has and does constitute a serious and persistent problem. It is one which we in America, for the most part, had ignored for decades. By "we" I would include our Government, represented by both Democratic and Republican Administrations, and, to a significant degree, our churches. However, these injustices and inequities were not ignored by the Marxists. In fact, they are the substance on which the Marxist (Communist) system breeds.

To the quagmire of political and social injustice add the deceptive and clandestine invasion of Cuban-trained Marxists, who exploit the resentment of victims of oppression and indoctrinate them with an intense hatred of the power structure as well as against the "Yankee Imperialist." Utilizing that widespread resentment directed against the Government, they foment open rebellion, providing in the process the weapons of war, as well as training in terrorism and sabotage. In essence, this constitutes another quagmire—a Quagmire of Marxist Deception, Conspiracy and Violence!

As the conditions referred to above exist in superabundance in both Nicaragua and El Salvador, it may well be said that the

Central American problem is a Confluence of Quagmires that won't be solved unless we deal effectively to eliminate both quagmires. If we deal with but one or the other, we will not have solved the dilemma.

Generally speaking, the majority of Americans, through media and other sources, have discovered only the quagmire of corruption and social injustice. This is understandable for the Marxist conspiracy is like an iceberg—even when it surfaces that which is visible and obvious represents but a fraction of what is concealed. Accordingly, people of sensitivity and concern in this country have been exposed to a plethora of news accounts and stories of oppression and injustice in Central America. Church leaders and certain church entities with approval of the church hierarchy, whatever its form depending on the particular church, have voiced their concerns to the Congress and to the Presidency. And this is, in my opinion, a form of democracy in action. However, what concerns me greatly, particularly as a Christian, is that many of these representatives of religious groups have not only publicly expressed objections to our Government's policy vis-a-vis the Central American issue, but have in ever-growing momentum continued to pressure our current administration to change its Central American policy.

This is most unfortunate in my opinion for the opinion of this important segment of our society is based on but a partial knowledge and understanding of the totality of the Central American dilemma. If that pressure grows, it could have dire consequences for our national security, with a grossly adverse impact on the future lifestyle of not only ourselves, but our children and our children's children.

It is for that reason that I would endeavor to fill that hiatus—that lack of information concerning Marxist methodology, deception and Marxist involvement in Central America, about which most Americans have but superficial or no knowledge. While I do not profess to have all the answers by virtue of my more than 29 years of experience as a Special Agent of the FBI, including lengthy investigative, supervisory and executive responsibilities, I do submit that these years of experience have given me insight into Marxist deception and conspiracy not generally known to, or understood by most Americans. I might add that in addition to the aforementioned experience, I have resided in Latin America for a period of more than seven years. Additionally, I was among a small group of FBI Agents assigned by Presidential order to a special assignment in the Dominican Republic during the revolutionary crisis in that country in 1965/66.

By virtue of these many years of exposure to Communist conspiracy and/or Marxist methodology, I understand quite clearly when I hear a concerned Christian worker or missionary who served in Central America say: "Marxists are not a problem. We are working with them. They are compatible with our effort." I am quite certain those statements are true. What most people fail to apprehend, and particularly those Americans who make those comments, is that what they hear, see and perceive does not represent the total picture of Marxist intent. That is, in the initial stages of the Marxist plan to topple a government, or even in the first few years after toppling a government, Marxists will utilize every tactic necessary to help them succeed in consolidating full and exclusive power. One such tactic is, of course, to accommodate with mass organizations, such as religious groups, educational institutions, unions, etc., even if there exists latent ideological conflict with the Marxist interest. Such accommodation endures only so long as it meets Marxists needs.

Moscow-oriented Marxists have been entrenched in nations throughout the world for decades. They seek out the oppressed; befriend them; sell them the Marxist doctrine; and, when possible, recruit them into the "Party". Or where it is appropriate to their needs, they will cleverly co-opt the help of people outside of the Party and inculcate them in a fervent hatred against the power structure opposing them, as well as against the "Yankee Imperialists."

For the more zealous of those who are recruited there is the reward for instruction in Russia, or in Cuba, in doctrine, military training and terrorism. Their's (the Marxists), is the task of fomenting revolution in a targeted country. Their "army of trained agents" provide the weapons of war and rebellion as well as the oversight. Their "invasion" of the targeted nation is a continuing one with a constant flow of Marxist revolutionaries under assumed names entering and leaving the country, backed up by a constant flow of smuggled weapons. Strangely enough, because Marxists invade nations clandestinely, there is no hue and cry by the media or other nations against this hostile intrusion into the affairs of unstable nations.

However, the very moment that Marxists once feel that their power has been consolidated, they immediately begin to restrict and eventually eliminate freedoms, such as the right to speak, the right to vote, the right to public assembly, the right to join unions, and the right to complain against the government in power. All of these rights are methodically and deliberately taken away from the citizens on a time schedule.

As concerns the church, Marxists usually see to it that a government mechanism is formed that has the power to control religious groups. The head of that particular agency of Marxist-controlled government almost immediately begins to impose regulations designed to restrict the activities of any given church to activities within the four walls of that institution. The church is usually denied the right to use any of the communication systems, whether it be radio, TV, or the press. Also, the dissemination of religious material is placed under strict control. In essence, the intent of the newly established Marxist government is to reduce the influence and the activities of any given church ultimately to that of a museum piece.

In the process of implementing this restriction of freedoms, and in the elimination of all vestiges of democracy, forcefully if necessary, once substantially entrenched in power, it has demonstrated no hesitancy in eliminating individuals who represent an immediate impediment to their ends and their goals.

And those who pose less critical forms of impediments to the Marxist goals, will likely be incarcerated. If such instances involve members of the clergy who are not natives of the country then under Marxist control, they will require them to give total allegiance to their regulations. If there is reluctance on the part of alien clergy members to be obedient to Marxist regulations, they usually pressure such members of the clergy to leave the country. The ultimate result is the total inculcation of youth and older people in the nation into Marxist doctrine, and Marxist obedience. As an example of what we can expect to happen if Marxist power is consolidated in third world countries like El Salvador, or Nicaragua, consider what happened in Cuba.

On January 1, 1984, it was exactly 25 years ago that Fidel Castro came to power in Cuba by virtue of a revolution, which, incidentally, was aided and abetted by quite a number of American business people. However it was two or three years later before Fidel Castro openly admitted that he was a Marxist. In the interim, Marxist methodology was deliberately implemented in all facets of the restructuring of the Cuban governing system.

At first, businesses were systematically expropriated, usually commencing with financial institutions and public utilities. Opposition leaders were jailed or "sent to the wall" to be executed by a firing squad. Controls were instituted on the media. Eventually private property other than one place of residence was expropriated. Political parties were eventually eliminated, as were independent labor unions and a free press. However, perhaps the broadest program implemented by the Marxists in Cuba, in due time, was that program designed to inculcate youth in Marxist ideology from the cradle up.

The task of rearing children, in effect, became that of the State, as parents were placed in labor groups to work in the cane fields. The first and continuing message of the Marxists in the inculcation of children and youth is the basic Marxist tenet that "there is no God," and "religion is the opiate of the people." Children were and are taught to give greater loyalty to the State than to their parents or family.

Neighborhood "spy" groups (known as "Revolutionary Defense Committees") complemented a large militia. Any criticism voiced by any family member, or neighborhood resident was to be reported immediately to a representative of the State. According to information furnished by hundreds of Cubans interviewed some 20 or so years ago, such criticism of the State resulted in some instances in a diminution of certain benefits or favors, or if the criticism were deemed something of a more disturbing nature, it might result in more oppressive action including incarceration.

Since 1/1/59 some 5 million children have been born in Cuba. They represent one half of Cuba's ten million population. Practically all have been brainwashed in Marxist doctrine. Almost none of these 5 million youths have had any opportunity to embrace, or even to hear theological beliefs expressed. In essence, the regime has in its 25 years of operation produced something close to five million new atheists, or agnostics. The church in Cuba, very similar to the one in Russia, generally speaking, has become a museum piece. Of course, the older Cubans, those born before January 1, 1959, who were believers, whether their faith be Judaic, or Christian, are undoubtedly still believers, but their activities are tightly controlled and restricted.

In a recent publication of the U.S. News and World Report late last year, we are told that Cuba has two hundred thousand persons in its armed forces. To demonstrate its international character, the article states that at least 120,000 of the 200,000-person army have served overseas in places such as Angola and Ethiopia. The same article states there were about 8,000 of these troops in Nicaragua. Cuba's territorial militia numbers more than one half million.

To further inculcate its children, Cuban Marxists utilize that faction of the Communist Party, known as the "Pioneers" which numbers approximately two million. At the age of 14 these teenagers become members of the Union of Young Communists. The membership of that group now numbers approximately 500,000. At the age of 28 those who excel enter into the Communist Party proper, which numbers approximately one half million in Cuba.

In short, there is no room for any other ideology and there is certainly no room for theology in Cuba. The only thought that takes precedence and has any acceptance is Marxism. Part and parcel of Marxist teaching is the hatred of the "Yankee Imperialists" who live in the "Great Colossus of the North." This country (the U.S.A.) for years has been described to young Communists and the young Cubans as a perennial threat to the safety and the security of the Cuban nation. They are taught to hate the Government of the United States and its people in general. Because of the evangelistic fervor inculcated into the hearts and minds of Marxists, Cuban youth must share in the exportation of their doctrine and their revolution to other nations.

The problem created by the Marxist's enslavement of millions of people in Cuba alone, though devastating enough, would be more bearable (and I can't say tolerable because I believe it's intolerable), if the problems were limited to Cuba. However, inbred into every Marxist and particularly Cuban Marxists is the accompanying commitment, or requirement to export the Marxist revolution to other nations. The most fervent of the Marxist recruits become active revolutionaries and/or terrorists, who will help to "liberate" other nations.

Hence, it is not difficult to understand that in Nicaragua, the nine top commanders of the military government had all received military training in Cuba. Additionally, of the 3-man Junta that governs Nicaragua, two are Cuban-trained Marxists. One is Sergio Ramirez Mercado, a writer; the other is Daniel Ortega, the Co-ordinator of the Junta. The third member is Rafael Cordoba Rivas, the Junta's Moderator who belongs to the anti-Somoza Conservative Party. Daniel Ortega's brother, Humberto, a Marxist, is Minister of Defense. Both Daniel and Humberto represent the pivotal power center in Nicaragua.

Nicaragua was a logical target for a Cuban-Marxist-led rebellion. The protracted and oppressive government of Anastasio Somoza in Nicaragua created a fertile field for the growth of Marxism. It is very important to emphasize that the Sandinista National Liberation Front (FSLN), as was to be expected, included many altruistic and patriotic Nicaraguans who were not Communists. However, because of the training and the astuteness of Marxists who were guiding the revolutionary movement in Nicaragua, these people made certain that the leadership of FSLN was directed by Marxists and that that organization would be Marxist-dominated. Consider some of the facts which is common knowledge and which is supported by statements received from a past Nicaraguan official who recently defected from that government:

Prior to the overthrow of the Somoza regime in Nicaragua, and immediately thereafter, the FSLN, or the Sandinista group in power, agreed that there would be free elections held within 6 months after the Sandinistas came to power. The Marxist-controlled Sandinista group agreed to establish a democratic government in Nicaragua. It agreed that there should be freedom of the press, free unions, freedom of religion, and respect for human rights. Many other promises were made. However, within approximately two months after the Marxist-controlled Sandinista group took over the power of government in Nicaragua, the Marxist-controlled Nicaraguan government began to impose rather effective restrictions on the press, later imposing a complete censorship.

In less than a year, TV in Nicaragua was nationalized. Independent radio stations were censored, ransacked, or destroyed. Owners and directors of such radio stations were beaten by what is called in Nicaragua "turbas." The latter represents government controlled mobs who act on government instructions and with government protection. The same recent defector tells us that police never intervene when these mobs destroy property or beat someone.

The promise to set elections some 6 months after the Sandinistas came to power was not kept. Rather, elections were set to take place in 1985. The obvious reasons for this was to give to the FSLN and the Marxist-controlled government time to consolidate its power and be assured of being elected when the event took place. As a matter of fact, not too many months ago on national TV one of the news networks reported scenes from Nicaragua reflecting Cuban teachers teaching children in the rural areas of Nicaragua. You may be certain that those Cuban teachers were inculcating the children and youth of Nicaragua in Marxist doctrine. One of the many reasons for this feverish effort was to get maximum support prior to an election.

Not long after the Sandinistas came to power, the Marxist-controlled government of Nicaragua managed to pass decrees precluding any political parties other than the FSLN to have meetings or to pass out propaganda. Some of the political parties that were thus intimidated included the Conservative Party, the Social Democratic Party and the Liberal Party in Nicaragua. On the other hand, the Sandinista Party (FSLN) is being supported by State resources and they are constantly running a campaign to promote that Government's party's position. The other political partyies, as I have indicated, are denied that right.

However, the Sandinista Government did not stop with the attempted impeding of the other political parties. It took more definitive action last year and declared some of the other parties illegal. Those declared illegal included the Democratic Conservative Party and the Nicaraguan Democratic Party. Leaders of both of these parties have been expelled according to the defected Nicaraguan Consul in New Orleans. Hence, it appears that the Marxist timetable in Nicaragua for the acquisition of total power is lagging somewhat since it is taking that government about four years to legally eliminate opposition parties.

The defected Nicaraguan consul in New Orleans recently commented that after the Sandinistas came to power, the Marxists' controlled Sandinista Government, formed a vary large government union known as the Sandinista Center of Workers. Leaders of free unions were jailed. Workers lost their right to strike and to bargain. Every time the Marxist-controlled government of Nicaragua expropriated a business, or business entity, the government union became stronger. This is the result of the Marxist-controlled government's requirement that government-owned or government controlled businesses must be staffed with people belonging to the government union.

In Nicaraqua about 90 percent of the people are, at least, nominally Catholic. True to the methodology of Marxists used in Cuba, the Marxist-controlled government of Nicaragua set about the task of minimizing the power of the church. One method used, according to former Nicaraguan consul, Agustin Alfaro, was to endeavor to discredit the church. The tactic they used was to have a female call upon Monsignor Carballo who heads Radio Catolica (Catholic Radio) in Nicaragua. He is also the Assistant to the Nicaraguan Bishop, Miguel Obando y Bravo. Father Carballo was informed by that female that she was having trouble with her marriage and asked Father Carballo to come to her home for a visit. He did so. While there, having lunch with that woman, a man came into the room with a gun, allegedly the woman's lover. The latter had both the Monsignor and the woman undress at gunpoint. Once that was accomplished, he forced them out into the street where approximately 200 people and newsmen were waiting. Needless to say that matter was given extreme publicity in an effort to discredit the Catholic Church in Nicaragua. As in Cuba, Marxist methodology will be implemented constantly to reduce the effectiveness of the church in general, Catholic or Protestant, or even Synagogues, so that eventually they are but meeting places for the elderly with no outside influence on the public in general. This was done successfully in Cuba.

The resentment of the people of Nicaragua against the deposed regime of the late Dictator Anastasio Somoza was both deep and widespread. Many Nicaraguans joined in the overthrow of that regime. However, as is the case, wherever Marxists are entrenched and involved in the overthrow of a government, they, as past masters of deception, are able to consolidate the forces of opposition against a government, provide them with the weapons they need to carry out the task and they are usually the only group that is able to fill a vacuum created by the overthrow of government. This is true because through long training they already have a plan to implement once a government is toppled. Accordingly, in Nicaragua, this is precisely what happened. However, it appeared that the people of Nicaragua were so unified in wanting freedom against the backdrop of years of oppression by Somoza, that many soon recognized that their revolution was stolen from them by the Marxists. Accordingly, you have significant forces of opposion to the Nicaraguan regime, primarily lead by a former revolutionary, Eden Pastor.

However, it is Marxist methodology to rigidly oppose any reduction of thier power. They are trained to use every tool at their disposal to indoctrinate the masses in Marxist ideology and to gain public support. Accordingly, when things do not go well for them they are willing to make concessions to use the interim provided to indoctrinate as many people as possible as future supporters and at the same time they endeavor to eliminate opposing forces through whatever power they have accumulated.

I have already spoken of some of the methods that they have implemented to eliminate signifiant opposition. If they succeed in Nicaragua, they will institute a totally authoritarian government there. Once that occurs you may rest assured that the same methods employed in Cuba will be

fully implemented in Nicaragua, starting with the assumption by the State of the task of rearing children and indoctrinating them fully and exclusively in Marxist beliefs.

Without the military assistance of the United States given to the current government of El Salvador, the amassed power of the Marxist forces supported primarily by the Soviet surrogate in this hemisphere, Cuba, will overwhelm the military forces of the present government of El Salvador.

You may be equally certain that if Nicaragua and El Salvador are taken over totally by a Marxist-controlled cadre, it is conceivable that in less than a decade Guatemala, Costa Rica, Honduras and Panama will be unable to withstand the subversive onslaught and they will succumb to Marxist control. In my opinion this is not merely a possibility but a probability. It constitutes a real and present threat not only to the security of the United States as a nation, but to the welfare of each of us and our children and our children's children.

To the 10 million Cubans the bulk of whom are totally Marxists will be added an approximately 25 million Central Americans, all of whom within a decade by virtue of their Marxist brainwashing will have lost all democratic liberties and will have been totally indoctrinated with a Marxist fervor to export their revolution and to "liberate" other governments. The Marxists' next targets must logically be Mexico and/or the United States.

I can assure you that if we permit the convert armies of subversive Marxists to carry out warfare in a clandestine fashion within Central American nations with continued impunity, the reality of a Soviet block of Central American nations totalling over 25 million people will definitely come to pass. When that event takes place, you may be certain our lifestyle in this country will undergo radical changes. I say this because you may be assured that we in the U.S.A., probably more specifically we in the Southern portion of the United States, will see an intensification of terrorism and hijacking unlike any we may have experienced in the past.

In this country, we have witnessed in the past decade various forms of terrorism inflicted upon us by Marxist-type orgranizations, principally those that are Puerto Rican in origin. All of the latter groups have had Cuban linkages. While to some degree we have been able to cope with the aforementioned forms of terrorism in some of our larger cities and Puerto Rico, we must bear in mind that the Puerto Rican groups stem from anti-American types that number less than 4 percent in the Commonwealth of Puerto Rico.

Think of the magnitude of the difference in intensity of the hatred and terrorist attacks directed against us when we have millions of people (some 35 million if we include Cuba and all the Central American countries) living in a Marxist monolithic block south of our southern borders. You may be sure that amongst those 35 million there will be a staggeringly large number of those people who will be so violently anti-American as a result of teachings received from Marxists that terrorism and hijacking will become quite commonplace in our country.

Frankly, I see a definite analogy that exists today in the Central American problem as I believe existed some 47 years or so ago when Hitler sent his troops into the Rhineland in violation of the Treaty of Versailles. This does not come from reading any History books, but it comes from memory and the impressions of that event those many years ago. I recall at the time that as a result of that event and some additional events taken by Hitler in a military fashion, Anthony Eden of Great Britain sought to have the Parliament agree to military action against Hitler to stop him. Of course, he did not have his way. And of course, had he had his way, there would have been a loss of lives.

On the other hand, by the final decision of the Parliament to follow the dictates of Neville Chamberlain, the British had what they called "Peace in our Times." The cost they and all of the free world paid, of course, was the swift growth of the military power of Hitler and the consolidation of that power by continued violations of the Versailles Treaty and other treaties. This license gave Hitler the ultimate power to launch World War II on 9/1/39, when he entered into Poland with the blitzkrieg. The ultimate result of not having taken action in 1936 is that instead of losing perhaps hundreds or thousands in a military action, the world suffered or sustained losses that numbered in multi-millions, the result of World War II.

I believe the above analogy is totally valid. Furthermore, problems in Nicaragua and El Salvador long ceased to be internal problems. They ceased to be internal problems and become an international problem when hordes of clandestine Marxist-indoctrinated military and paramilitary people entered those nations many years ago bent on fomenting revolution. Cuban-trained Marxists capitalized on the resentment and discontent that existed in both of those countries. They supplied the people that they were able to recruit with the weapons needed to overthrow their governments. When one considers that the origin of this "clandestine" invasion, is Cuba, the Soviet surrogate in our hemisphere, it is just amazing that most people in the world, and particularly the media, ignore this invasion of sovereignty. However, when a country like the United States belatedly takes action for the security of our own nation, it is viewed by the media, and many in the world, as being the aggressor. In fact, the contrary is true. There is no question that the Cuban-lead Marxist threat is real and menacing. Without U.S. opposition they can subjugate nations with impunity. They are able to manipulate world-opinion through lies and deception. In this sense, they are far superior to us.

Whatever mistakes this and other administrations may have made in the past what is needed now is to take definitive action in helping the duly elected Government in El Salvador, however defective it may be, in removing the foreign interlopers. To this extent they should be provided with all the financial and military equipment they need to get the job done. This assistance should have very definite strings tied to it. The requisite should be that there would be free elections within the year after the revolution is put down. There should be an insistance that there be established in that country the beginnings of institutionalized democracy. We should be willing to spend the funds necessary to insure that the masses of the people are educated. Our presence should be as limited as possible. But there should be some form of oversight to insure that the agreement that is made is carried out by both the present and subsequently elected governments.

The duly elected government, under conditions that are totally fair, would receive our aid and support to continue in the manner deemed appropriate to institutionalize democracy in that country and to educate the masses.

This is not just mere whim, as we had an analagous situation in 1965 and 1966 when the United States in cooperation with the Organization of American States put down a revolution in the Dominican Republic. There was ample evidence at that time that this revolution had been nurtured and supported by Peking-oriented, Moscow-oriented, and Havana-oriented Communists. Once the revolution was put down, a process was instituted for an interim government to function for a period of time until free elections were held.

Those free elections took place and the gentleman that won that election was Joaquin Balaguer who stayed in power over a series of terms until about 3 years or so ago. At that time the opposition party won the election and the gentleman that is President in the Dominican Republic now has functioned in that capacity since his election some two or three years ago. This is just another valid demonstration that democracy can be restored to a nation if we deal with the problem fairly and pragmatically.

To fail to deal forcefully with the Marxist threat in Nicaragua and El Salvador is to invite the existence of a block of Marxist nations to our south totalling more than 35 million people, including Cuba. I've already spelled out what I felt would be the result of that terrible situation as concerns our lifestyle and the security of ourselves and our children. I can only hope that these experiences and information which I shared with you will awaken in Americans the recognition that the danger of which I speak is no myth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BADHAM (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OXLEY) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 30 minutes, today.

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 6 minutes, today.

Mr. HUBBARD, for 6 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LIVINGSTON, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,576.25.

Mr. BOLAND, to revise and extend his remarks just prior to the vote on the conference report on H.R. 6040.

Mr. BARNES, immediately before the last vote.

Mr. FOGLIETTA, immediately before the last vote.

Mr. BROWN of California, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,182.

Mr. HUGHES, preceding the motion to recommit H.R. 5640 in the House today.

Mr. MORRISON of Connecticut on H.R. 6040 immediately prior to vote on amendment No. 208 (Conte amendment).

(The following Members (at the request of Mr. OXLEY) and to include extraneous matter:)

Mr. CHANDLER.
Mr. BROYHILL.
Mr. DAUB.
Mr. DREIER of California.
Mr. WILLIAMS.
Mr. HYDE.
Mr. LAGOMARSINO in three instances.
Mr. RITTER.
Mr. LEACH of Iowa in three instances.
Mr. CONTE in two instances.
Mr. YOUNG of Alaska.
Mr. BROOMFIELD.
Mr. TAYLOR.
Mr. PAUL.
Mr. MCCANDLESS.
Mr. HARTNETT.
Mr. YOUNG of Florida in two instances.
Mrs. VUCANOVICH.
Mr. GEKAS.
Mr. PORTER.
Mr. DENNY SMITH.
Mr. SHUMWAY.
Mr. BEREUTER.
Mr. KEMP in four instances.
Mr. FRENZEL in five instances.
Mrs. JOHNSON.
Mr. PHILIP M. CRANE.
Mr. WALKER.
Mr. MCKERNAN.
Mr. COURTER.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. DERRICK.
Mr. CONYERS in two instances.
Mr. OBERSTAR.
Mr. COELHO.
Mr. EDGAR.
Mr. SMITH of Florida.
Mr. LAFALCE.
Mrs. BURTON of California.
Mr. HIGHTOWER.
Mr. DORGAN.
Mr. TOWNS.
Ms. OAKAR.
Mr. GARCIA.
Mr. WILLIAMS of Montana.
Mr. MONTGOMERY.
Mr. DELLUMS.
Mr. ANTHONY.
Ms. MIKULSKI.
Mr. EDWARDS of California.
Mr. ROWLAND.
Mr. WILSON.
Mr. DIXON.
Mr. LANTOS in five instances.
Mr. ANDREWS of Texas.
Mr. STARK in two instances.
Mr. DONNELLY.
Mr. WEISS.
Mr. CARR.
Mr. KOSTMAYER.
Mr. HOYER in two instances.
Mr. FOGLIETTA.
Mr. DOWNEY of New York.
Mr. HOWARD.
Mr. MORRISON of Connecticut.
Mr. WAXMAN.
Mrs. LLOYD.
Mr. MCCLOSKEY.
Mr. STOKES.
Mr. MOODY.
Mrs. COLLINS.
Mr. FEIGHAN.
Mr. ROYBAL.
Mr. DICKS.
Mr. PATTERSON in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 648. An act to facilitate the exchange of certain lands in South Carolina; to the Committee on Energy and Commerce.

S. 1790. An act to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia; to the Committee on Interior and Insular Affairs.

S. 1859. An act for the transfer of certain interests in lands in Dona Ana County, NM, to New Mexico State University, Las Cruces, NM; to the Committee on Interior and Insular Affairs.

S. 1868. An act to add $2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore; to the Committee on Interior and Insular Affairs.

S. 1889. An act to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center"; to the Committee on Interior and Insular Affairs.

S. 2125. An act to designate certain national forest system lands in the State of Arkansas for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs and Agriculture.

S. 2155. An act to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purpose; to the Committee on Interior and Insular Affairs and Agriculture.

S. 2157. An act to clarify the treatment of mineral materials on public lands; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following title:

S. 2820. An act to name the Federal Building in MaAlester, OK, the "Carl ALbert Federal Building";

S.J. Res. 248. Joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day";

S.J. Res. 302. Joint resolution to designate the month of September 1984 as "National Sewing Month"; and

S.J. Res. 338. Joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia, and the 1984 summer Olympic games in Los Angeles, CA.

ADJOURNMENT

Mr. HUGHES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 351 of the 98th Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, September 5, 1984.

Thereupon (at 7 o'clock and 48 minutes p.m.), pursuant to House Concurrent Resolution 351, the House adjourned until Wednesday, September 5, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3882. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-245); to the Committee on Appropriations and ordered to be printed.

3883. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Canada for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-62), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3884. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to the United Kingdom for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-64), pursuant to 10

U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3885. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Denmark for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-65), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3886. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Italy for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-63), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3887. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Canada for defense articles and services estimated to cost $57 million (Transmittal No. 84-62), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3888. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Italy for defense articles and services estimated to cost $200 million (Transmittal No. 84-63), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3889. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Denmark for defense articles and services estimated to cost $210 million (Transmittal No. 84-65), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3890. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to the United Kingdom for defense articles and services estimated to cost $151 million (Transmittal No. 84-64), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3891. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3892. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Robert D. Stuart, Ambassador-designate to Norway, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3893. A letter from the Governor, Farm Credit Administration, transmitting a report on FCA's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3894. A letter from the Inspector General, Department of Housing and Urban Development, transmitting notification of a new computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3895. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting notification of a new computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3896. A letter from the Secretary of the Interior, transmitting the fifth annual report on the status of implementation of the Redwood National Park Expansion Act, pursuant to Public Law 95-250, section 104(a); to the Committee on Interior and Insular Affairs.

3897. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation to strengthen and make more efficient the operations of the U.S. Bureau of Prisons; to the Committee on the Judiciary.

3898. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Iowa-Cedar River Basin, IA and MN, together with other pertinent reports; to the Committee on Public Works and Transportation.

3899. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on the Delaware estuary salinity intrusion study, Delaware, New Jersey, and Pennsylvania, which is in response to a resolution adopted by the House Committee on Public Works; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3194. A bill to provide for the protection of any historic shipwreck or historic structure located on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the United States, with amendments (Rept. No. 98-887, Pt II). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee of conference. Conference report on H.R. 6040 (Rept. No. 98-977). Ordered to be printed.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 572. Resolution waiving certain points of order against consideration of the conference report and the amendments in disagreement to the conference report on H.R. 6040, a bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-979). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 573. Resolution providing for the consideration of H.R. 1437, a bill entitled the "California Wilderness Act of 1983", and Senate amendment thereto (Rept. No. 98-980). Referred to the House Calendar.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 5336. A bill to provide for increased participation by the United States in the International Development Association (Rept. No. 98-981). Referred to the Committee of the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 639. A bill to revise and reinstate the Renegotiation Act of 1951 (Rept. No. 98-982). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McKERNAN (for himself and Mr. FRANK):

H.R. 6145. A bill to amend title 5 of the United States Code regarding the authority of the special counsel; to the Committee on Post Office and Civil Service.

By Mr. MICA:

H.R. 6146. A bill to preclude States from taking into account, under the unitary taxing method, the income of a corporation's foreign affiliates; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 6147. A bill to amend the Federal Election Campaign Act of 1971 to provide for voter registration for Federal elections on all regular business days and at the polls on election day; to the Committee on House Administration.

By Mr. ANDREWS of Texas:

H.R. 6148. A bill to restrict fraudulent, misleading, deceptive, and unscrupulous practices in the health spa industry; to the Committee on Energy and Commerce.

By Mr. BEDELL:

H.R. 6149. A bill to expand the rights of civil servants who report waste, fraud, and mismanagement; to the Committee on Post Office and Civil Service.

By Mr. CARPER:

H.R. 6150. A bill to amend the Internal Revenue Code of 1954 to increase and limit the amount of the expenses for household and dependent care services necessary for gainful employment which may be taken into account for computing a tax credit; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 6151. A bill to amend the Federal Water Pollution Control Act to permit the Administrator of the Environmental Protection Agency to change a State's priority list of wastewater construction projects if the administrator determines that Federal funds for such projects have not been equitably distributed within such State; to the Committee on Public Works and Transportation.

By Mr. CRAIG (for himself, Mr. MARLENEE, Mr. HANSEN of Idaho, Mr. LUJAN, and Mr. LOEFFLER):

H.R. 6152. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide for insect and plant pest control on public lands; to the Committee on Interior and Insular Affairs.

By Mr. ERLENBORN:

H.R. 6153. A bill to improve the operation of the chapter 1 program authorized under the Education Consolidation and Improvement Act of 1981, to improve the effectiveness of migrant education programs, to provide for use of the most recent available decennial census information, and for other purposes; to the Committee on Education and Labor.

By Mr. FEIGHAN:

H.R. 6154. A bill to suspend the duties on circular knitting machines designed for sweater or garment length knitting until

the close of December 31, 1989; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 6155. A bill to limit telephone access charges on local governments; to the Committee on Energy and Commerce.

By Mr. GARCIA (for himself, Mr. SCHUMER, Mr. MCKINNEY, and Mr. ASPIN):

H.R. 6156. A bill to amend the Housing and Community Development Act of 1974 to clarify the prohibition on the use of urban development action grants for the relocation of business operations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEKAS:

H.R. 6157. A bill to amend the Internal Revenue Code of 1954 to provide that the $10,000,000 exclusion of capital expenditures where there is an urban development action grant shall apply whether the grant was made before or after the issuance of bonds; to the Committee on Ways and Means.

By Mr. HARTNETT:

H.R. 6158. A bill to provide that the Secretary of the Army and the Secretary of the Air Force may authorize certain Reserve officers who are employed as military technicians to be retained in an active status until age 60; to the Committee on Armed Services.

By Mr. HOYER (for himself, Mr. BARNES, and Mrs. HOLT):

H.R. 6159. A bill to permit the Secretary of the Army to authorize the delivery of water from the District of Columbia water system to water systems in the Metropolitan Washington area in Maryland, and the purchase of water for the District of Columbia water system from certain systems; to the Committee on Public Works and Transportation.

By Mr. HUGHES:

H.R. 6160. A bill to amend chapter 207 of title 18, United States Code, with respect to pretrial services; to the Committee on the Judiciary.

By Mr. JEFFORDS:

H.R. 6161. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, for the purpose of facilitating the handling of milk in a market; to the Committee on Agriculture.

By Mrs. JOHNSON:

H.R. 6162. A bill to amend the Social Security Act to provide for the conduct of pilot and demonstration projects to test whether requiring programs for the provision of education and vocational training for caretaker parents with preschool children under the AFDC program will assist them in leaving the AFDC rolls quickly and in securing gainful long-term employment at earnings levels sufficient to maintain their families without subsidies; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mrs. SCHROEDER, Mr. MOORHEAD, and Mr. HYDE):

H.R. 6163. A bill to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. SYNAR, Mr. GLICKMAN, Mr. MORRISON of Connecticut, Mr. KINDNESS, Mr. SAWYER, Mr. SAM B. HALL, JR., Mr. SENSENBRENNER, Mr. CROCKETT, Mr. ROSE, Mr. OXLEY, Mr. STANGELAND, Mr. LONG of Louisiana, Mr. FOWLER, Mr. D'AMOURS, Mr. STENHOLM, Mr. WILSON, Mr. ROBERTS, Mr. GINGRICH, Mr. JENKINS, Mr. RITTER, Mr. BARNARD, Mr. LEWIS of California, Mr. RALPH M. HALL, and Mr. HARTNETT):

H.R. 6164. A bill to amend title 17, United States Code, with respect to the Copyright Royalty Tribunal and cable transmissions; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. WHITEHURST, Mr. RITTER, Mr. BETHUNE, Mr. DREIER of California, Mr. MCEWEN, Mr. LIVINGSTON, Mr. CRAIG, Mr. HARTNETT, Mr. GRAMM, Mr. MACK, Mr. DENNY SMITH, Mr. PACKARD, Mr. LOTT, Mr. GINGRICH, Mr. COATS, Mr. WEBER, Mr. LUNGREN, Mr. WALKER, Mrs. VUCANOVICH, Mr. GREGG, Mr. HILER, Mr. HYDE, Mr. MOORE, Mr. KINDNESS, Mr. SILJANDER, Mr. COURTER, Mr. DAUB, Mr. BROWN of Colorado, Mr. SCHAEFER, Mr. MCCOLLUM, Mr. DANNEMEYER, Mr. BURTON of Indiana, Mr. ROTH, Mr. MCCANDLESS, Mr. LUJAN, Mr. BLILEY, Mr. CORCORAN, Mr. MCKERNAN, and Mr. DEWINE):

H.R. 6165. A bill to reduce tax rates in a manner that is fair to all taxpayers and to simplify the tax laws by eliminating most credits, deductions, and exclusions; to the Committee on Ways and Means.

By Mr. KOGOVSEK:

H.R. 6166. A bill to declare that certain land formerly used as a site for a school for the Ute Mountain Ute Indian Tribe is held in trust by the United States for the benefit of such Indian tribe and is part of the Ute Mountain Ute Indian Reservation; to the Committee on Interior and Insular Affairs.

H.R. 6167. A bill to amend the Mineral Leasing Act of 1920 to establish a comprehensive program of oil shale leasing; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE:

H.R. 6168. A bill to require the Board of Governors of the Federal Reserve System to impose limitations on the number of days a depository institution may restrict the availability of funds which are deposited by check; to the Committee on Banking, Finance and Urban Affairs.

H.R. 6169. A bill to amend the Internal Revenue Code of 1954 with respect to the limitation on the amount of private activity bonds which may be issued in a State; to the Committee on Ways and Means.

By Mr. LUNGREN (for himself and Mr. BADHAM:)

H.R. 6170. A bill to regulate the transfer of funds for humanitarian purposes to nationals of the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. MARLENEE:

H.R. 6171. A bill to amend the Internal Revenue Code of 1954 to restrict to 10 percent the maximum rate of interest with respect to certain underpayments of individual income tax where a notice of deficiency was not timely sent; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. PICKLE, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. GEPHARDT, Mr. HEFTEL of Hawaii, Mr. FOWLER, Mr. HANCE, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN, Mrs. KENNELLY, Mr. DUNCAN, Mr. VANDER JAGT, Mr. MARTIN of North Carolina, Mr. CAMPBELL, and Mr. HARKIN):

H.R. 6172. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property held for trade, business or investment purposes; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 6173. A bill to amend title 38, United States Code, to extend prescription drug benefits to all veterans receiving nonservice-connected disability pensions; to the Committee on Veterans' Affairs.

By Mr. NIELSON of Utah:

H.R. 6174. A bill to modify the boundary of the Uinta National Forest, UT, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. OAKAR (for herself, Mrs. HALL of Indiana, Mr. LELAND, Mr. BOSCO, Mr. MCCLOSKEY, Mr. MITCHELL, Mr. GARCIA, and Mr. OWENS):

H.R. 6175. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

By Mr. OWENS:

H.R. 6176. A bill to amend the Internal Revenue Code of 1954 to deny the depreciation deduction with respect to multifamily rental housing for any year for which such housing does not meet health and safety standards, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. ANDREWS of North Carolina, Mr. JEFFORDS, Mr. SHARP, and Mr. OTTINGER):

H.R. 6177. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to authorize appropriations for fiscal years 1985 through 1988, and for other purposes; jointly to the Committees on Energy and Commerce and Education and Labor.

By Mr. PICKLE (for himself and Mr. ROSTENKOWSKI):

H.R. 6178. A bill to establish the Social Security Administration as an independent agency, headed by a Social Security Board, which shall be responsible for the administration of titles II and XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. RAY:

H.R. 6179. A bill to amend the Congressional Budget Act of 1974 to strengthen the congressional budget process; to the Committee on Rules.

By Mr. STARK:

H.R. 6180. A bill to amend the Internal Revenue Code of 1954 to prohibit the issuance in bearer form of securities which are interests in Treasury obligations; to the Committee on Ways and Means.

By Mrs. VUCANOVICH:

H.R. 6181. A bill to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHEAT:

H.R. 6182. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for economic development in certain areas designated as enterprise zones; to the Committee on Ways and Means.

By Mr. WISE (for himself, Mr. STAGGERS, Mr. MOLLOHAN, and Mr. RAHALL):

H.R. 6183. A bill to waive certain requirements of section 103A of the Internal Revenue Code of 1954 with respect to certain veterans' mortgage obligations; to the Committee on Ways and Means.

By Mr. BRYANT:

H.J. Res. 640. Joint resolution designating the week of November 4–10, 1984, as "National Royal Ambassadors Week"; to the Committee on Post Office and Civil Service.

By Mr. VANDERGRIFF:

H.J. Res. 641. Joint resolution proposing an amendment to the Constitution with respect to the right to life, except in cases of rape, incest, and life endangerment; to the Committee on the Judiciary.

By Mr. WRIGHT:

H. Con. Res. 351. Concurrent resolution providing for the adjournment of the House and Senate from August 10, 1984, to September 5, 1984; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. STARK):

H. Res. 574. Resolution expressing the sense of the House of Representatives that professional sports teams should be discouraged from relocating from communities that have supported and grown to depend on them, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHNEIDER:

H. Res. 575. Resolution to congratulate the U.S. athletes who have participated in the games of XXIII Olympiad and urge enactment of H.R. 5490 or legislation affirming a comprehensive interpretation of title IX of the 1972 Education Amendments, title VI of the 1964 Civil Rights Act, section 504 of the 1973 Rehabilitation Act and the Age Discrimination Act of 1975; jointly, to the Committees on Education and Labor and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KASTENMEIER:

H.R. 6184. A bill for the relief of Mr. and Mrs. Joseph S. Fok; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.R. 6185. A bill for the relief of Michael James Hastie; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 242: Mr. GRAMM.

H.R. 499: Mr. MCNULTY.

H.R. 656: Mr. RINALDO.

H.R. 960: Mr. BADHAM, Mr. ECKART, Mr. GARCIA, Mr. MCKERNAN, Mr. NEAL, Mr. REGULA, Mr, SYNAR, Mr. THOMAS of Georgia, Mr. WHITEHURST, Mr. YOUNG of Missouri, Mr. EARLY, Mr. DEWINE, Mr. HARRISON, Mr. VALENTINE, and Mr. YOUNG of Florida.

H.R. 1676: Mrs. KENNELLY.

H.R. 2093: Mr. BATES.

H.R. 2124: Mr. ANDREWS of North Carolina.

H.R. 2151: Mr. DREIER of California.

H.R. 2742: Mr. MORRISON of Connecticut and Mr. GREEN.

H.R. 2743: Mr. SMITH of Florida.

H.R. 2996: Mr. PATTERSON, Mr. THOMAS of Georgia, and Mr. MATSUI.

H.R. 3010: Mr. PACKARD.

H.R. 3024: Mr. LEWIS of Florida.

H.R. 3091: Mr. ASPIN, Mr. JACOBS, Mr. WALGREN, Mr. MACKAY, Mr. YOUNG of Florida, Mr. OLIN, and Mr. ROBERTS.

H.R. 3750: Mr. FUQUA and Mrs. LLOYD.

H.R. 3799: Mr. GRAMM.

H.R. 3880: Mr. SIKORSKI and Mr. RALPH M. HALL.

H.R. 3999: Mr. MOLINARI, Mr. MARKEY, Mr. MCNULTY, Mr. MARTINEZ, Mr. UDALL, Mr. BARNES, Mrs. HOLT, Ms. MIKULSKI, and Mr. SIKORSKI.

H.R. 4097: Mr. WEAVER, Mr. MINETA, and Mrs. KENNELLY.

H.R. 4175: Mr. HILLIS, and Mr. BIAGGI.

H.R. 4358: Ms. MIKULSKI and Mr. DOWNEY of New York.

H.R. 4440: Mr. MATSUI, Mr. SWIFT, and Mr. WILLIAMS of Montana.

H.R. 4501: Mr. MCNULTY.

H.R. 4684: Mr. CARPER, Mr. LUNDINE, Ms. SNOWE, Mr. NELSON of Florida, Mr. LEVIN of Michigan, Mr. SCHEUER, Mr. TORRICELLI, Mr. MOODY, Mr. COOPER, Mr. PENNY, and Mr. WISE.

H.R. 4923: Mr. DURBIN and Mr. CARPER.

H.R. 4966: Mr. DYSON.

H.R. 5107: Mr. STAGGERS, Mr. MORRISON of Connecticut, and Mr. ASPIN.

H.R. 5206: Mr. TRAXLER, Mr. CARR, Mr. ALBOSTA, Mr. SLATTERY, Mr. BONIOR of Michigan, and Mr. VOLKMER.

H.R. 5300: Mr. OBERSTAR, Mr. OLIN, and Mr. EMERSON.

H.R. 5341: Mr. BEILENSON and Mr. GEJDENSON.

H.R. 5377: Mr. PURSELL, Mr. FLORIO, Mr. BARTLETT, Mr. EDWARDS of Oklahoma, and Mr. SYNAR.

H.R. 5479: Mr. MCKINNEY.

H.R. 5492: Mr. SHANNON.

H.R. 5541: Mr. SIKORSKI, Mr. MCCLOSKY, and Mr. SOLARZ.

H.R. 5569: Mr. TORRICELLI, Mr. SIKORSKI, Mr. OLIN, and Mr. BIAGGI.

H.R. 5582: Mr. FAUNTROY.

H.R. 5605: Mr. BEDELL, Mr. COELHO, Mr. MARTINEZ, Mr. BEVILL, Mr. WILLIAMS of Montana, Mr. BRITT, Mr. HARKIN, Mr. FAZIO, and Mr. KOLTER.

H.R. 5677: Mr. SCHEUER.

H.R. 5749: Mr. FAUNTROY, Mr. VENTO, Mr. SWIFT, Mr. FRANK, Mr. RAHALL, Mr. HOWARD, and Mr. BIAGGI.

H.R. 5791: Mr. LEHMAN of Florida and Mr. GEPHARDT.

H.R. 5800: Mr. BIAGGI, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. DIXON, Mr. DOWNEY of New York, Mr. DUNCAN, Mr. FAUNTROY, Mr. FISH, Mr. FOWLER, Mr. FRANK, Mr. FRENZEL, Mr. FLIPPO, Mr. FORD of Tennessee, Mr. GREEN, Mrs. HALL of Indiana, Mr. MATSUI, Mr. SOLARZ, Mr. STOKES, Mr. SCHEUER, Mr. OTTINGER, and Mr. GEPHARDT.

H.R. 5823: Mr. WILLIAMS of Montana and Mr. ST GERMAIN.

H.R. 5906: Mr. SAVAGE.

H.R. 5920: Mrs. HALL of Indiana, Mr. HYDE, Mr. GONZALEZ, Mr. KOLTER, and Mr. PENNY.

H.R. 5922: Mr. WON PAT, Mr. LIPINSKI, Mr. SEIBERLING, Mr. REID, Mr. MITCHELL, Mr. BERMAN, Mr. CROCKETT, Mr. BEDELL, Mr. GORE, Mr. OWENS, Mr. SIMON, Mr. BRITT, Mr. HARKIN, Mr. MORRISON of Connecticut, Mrs. HALL of Indiana, and Ms. KAPTUR.

H.R. 5937: Mr. WAXMAN and Mr. MRAZEK.

H.R. 5952: Mr. SAVAGE.

H.R. 5967: Mr. RICHARDSON, Mr. WEISS, Mr. LEHMAN of Florida, Mr. ROYBAL, Mr. OWENS, Mr. CLAY, Mr. MRAZEK, Ms. KAPTUR, Mrs. HALL of Indiana, Mr. MITCHELL, and Mr. COOPER.

H.R. 5988: Mr. RUDD, Mr. MCNULTY, Mr. STUMP, and Mr. UDALL.

H.R. 6020: Mr. WHITEHURST, Mr. KINDNESS, Mr. DENNY SMITH, Mr. DUNCAN, Mr. EMERSON, Mr. YOUNG of Alaska, Mr. BROWN of California, Mr. MILLER of Ohio, Mr. BADHAM, Mr. LAGOMARSINO, and Mr. MONTGOMERY.

H.R. 6021: Mr. CHENEY, Mr. LANTOS, Mrs. VUCANOVICH, Mr. PATTERSON, Mr. WYDEN, Mr. BARTLETT, Mr. STANGELAND, Mr. MARLENEE, Mr. BOSCO, Mr. ERDREICH, Mr. LOWERY of California, Mr. PRITCHARD, Mrs. BOGGS, and Mr. WISE.

H.R. 6045: Mr. OTTINGER, and Mr. SCHEUER.

H.R. 6066: Mr. CLARKE, Mr. WYDEN, Mr. COOPER, Mr. KOGOVSEK, Mr. LAFALCE, Mr. KILDEE, Mr. HOYER, and Ms. KAPTUR.

H.R. 6067: Mrs. BOXER and Mr. EDWARDS of California.

H.R. 6069 Mr. GEKAS and Mr. WEBER.

H.R. 6076: Mr. TAUKE, Mr. GORE, and Mr. SWIFT.

H.R. 6079: Mr. CLINGER.

H.R. 6080: Mr. DIXON.

H.R. 6082: Mr. MOLLOHAN.

H.R. 6113: Mr. STANGELAND.

H.R. 6134: Mr. BRYANT and Mr. WAXMAN.

H.J. Res. 206: Mr. SCHAEFER.

H.J. Res. 441: Mr. SCHEUER and Mr. HOWARD.

H.J. Res. 482: Mr. FUQUA, Mr. DUNCAN, Mr. GLICKMAN, and Mr. BATES.

H.J. Res. 489: Mr. MORRISON of Washington, Mr. DINGELL, Mr. VANDER JAGT, Mr. QUILLEN, Mr. WEAVER, Mr. KEMP, Ms. FERRARO, Mr. HUBBARD, Mr. ROEMER, Mr. LEHMAN of California, Mr. LOWERY of California, Mr. BOUCHER, Mr. IRELAND, Mr. GEKAS, Mr. GIBBONS, Mr. SAVAGE, Mr. BATES, and Mr. PHILIP M. CRANE.

H.J. Res. 496: Mr. MCCOLLUM, Mr. WYLIE, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. DEWINE, and Mr. ROGERS.

H.J. Res. 499: Mr. KLECZKA, Mr. HARKIN, Mr. ANNUNZIO, Mr. BEREUTER, and Ms. FIEDLER.

H.J. Res. 512: Mr. HIGHTOWER, Mr. HAMILTON, Mr. MCCLOSKEY, Mr. WILLIAMS of Ohio, Mr. O'BRIEN, Mr. ANNUNZIO, Mrs. LLOYD, Mr. JENKINS, Mr. KOSTMAYER, Mr. HEFNER, Mr. ALBOSTA, Mr. LATTA, Mr. CHANDLER, Mr. GONZALEZ, Mr. JONES of Tennessee, Mr. SISISKY, Mr. RUSSO, Mr. LEATH of Texas, Mr. EDWARDS of California, Mr. HUTTO, Mr. BOLAND, Mr. BETHUNE, Mr. PEPPER, and Mr. ASPIN.

H.J. Res. 522: Mr. BLILEY, Mr. BURTON of Indiana, Mr. DAUB, Mr. KOLTER, Mr. RITTER, Mr. RUDD, and Mr. WINN.

H.J. Res. 528: Mr. EDWARDS of Alabama.

H.J. Res. 545: Mr. COELHO, Mr. BEREUTER, Mr. MAZZOLI, Mr. PATTERSON, Mr. GINGRICH, Mr. OBERSTAR, Mr. TRAXLER, Mr. MARRIOTT, Mr. THOMAS of Georgia, Mr. SPRATT, Mr. MARTIN of New York, Mr. YOUNG of Alaska, Mr. DENNY SMITH, Mr. DERRICK, Mr. VALENTINE, Mr. RAHALL, Mr. DURBIN, Mr. EVANS of Iowa, Mr. SOLARZ, Mr. SNYDER, Mr. SISISKY, Mr. SHARP, Mr. GEJDENSON, Mr. RIDGE, Mr. ANTHONY, Mr. BEILENSON, Mr. GUARINI, Mr. ROSE, Mr. JENKINS, Mr. JONES of North Carolina, Mr. HEFNER, Mr. ANDREWS of North Carolina, Ms. SNOWE, and Mr. JEFFORDS.

H.J. Res. 589: Mr. CHAPPIE, Mr. DYMALLY, Mr. APPLEGATE, Mr. MORRISON of Washington, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. BARTLETT, Mr. SHAW, Mr. VENTO, Mr. MCEWEN, Mr. ROYBAL, Mr. CONYERS, Mr. COOPER, and Mr. DINGELL.

H.J. Res. 591: Mr. MOODY, Mr. COUGHLIN, Mr. MADIGAN, Mr. MARTINEZ, Mr. KEMP, Mr. CHANDLER, Mr. MINISH, Mr. LIVINGSTON, Mr. HARKIN, Mr. BERMAN, Mr. VENTO, Mr. GREEN, Mr. JONES of Tennessee, Mr. MARTIN of North Carolina, Mr. DAUB, Mr. ADDABBO, Mr. GEPHARDT, Mr. VANDERGRIFF, Mr. TAUZIN, Mr. WHITTEN, Mr. WEBER, Mr. LIPINSKI, and Mr. ANTHONY.

H.J. Res. 595: Mr. ANDERSON, Mr. BARNARD, Mr. BARNES, Mr. BENNETT, Mr. BONER of Tennessee, Mr. COELHO, Mr. COYNE, Mr.

DELLUMS, Mr. DERRICK, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. FAUNTROY, Ms. FERRARO, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LELAND, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LUNGREN, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MINETA, Mr. MRAZEK, Mr. MURPHY, Mr. PANETTA, Mr. PRICE, Mr. ROSE, Mrs. ROUKEMA, Mr. RUDD, Mr. SABO, Mrs. SCHNEIDER, Mr. SHAW, Mr. SILJANDER, Mr. SMITH of Florida, Mr. DENNY SMITH, Mr. TALLON, Mr. TAUZIN, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. WAXMAN, Mr. WEBER, Mr. WHITTAKER, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Alaska.

H.J. Res. 602: Mr. MARTINEZ.

H.J. Res. 605: Mr. TAUKE, Mr. NOWAK, Mr. SEIBERLING, Mr. WYLIE, Mr. MCHUGH, Mr. HOYER, Mr. SCHEUER, Mr. PEPPER, Mr. FLORIO, Mr. LIPINSKI, Mr. CONTE, Mr. ADDABBO, Mr. ERDREICH, Mr. SCHUMER, Mr. OBERSTAR, Mr. DORGAN, Mr. KASTENMEIER, Mr. SHANNON, Mr. BURTON of Indiana, Mr. DELLUMS, Mr. BADHAM, Mr. MOAKLEY, Mr. OLIN, Mr. LEHMAN of Florida, Mr. WILLIAMS of Ohio, Mr. MATSUI, Mr. WALGREN, Mr. RICHARDSON, Mr. SAM B. HALL, JR., Mr. REGULA, Mr. QUILLEN, Mr. FAUNTROY, Mr. HUTTO, Mr. BEVILL, Mr. UDALL, Mrs. JOHNSON, Mr. WORTLEY, Mr. GORE, Mr. ROSE, Mr. PETRI, Mr. SMITH of New Jersey, Mr. STOKES, Mr. HUGHES, Mr. GLICKMAN, Ms. KAPTUR, Mr. RITTER, Mr. FOGLIETTA, Mr. OWENS, Mr. BOEHLERT, Mr. YOUNG of Missouri, Mr. KILDEE, Mr. BILIRAKIS, Mr. VENTO, Mr. LUJAN, Mr. LENT, Mr. DANIEL B. CRANE, Mr. BEILENSON, Mr. SWIFT, Mr. MCKINNEY, Mr. HOWARD, Mr. KOGOVSEK, Mrs. BOXER, Mr. SABO, Mr. SAWYER, Mrs. BURTON of California, Mr. ECKART, Mr. YOUNG of Florida, Mr. WEAVER, Mr. GREGG, Mr. LONG of Maryland, Mr. MARRIOTT, Mr. GUNDERSON, Mr. GUARINI, Mr. BOUCHER, Mr. EDWARDS of California, Mr. WYDEN, and Mr. BATES.

H.J. Res. 610: Mr. HERTEL, Mr. SOLARZ, Mrs. LLOYD, and Mr. FAZIO.

H.J. Res. 622: Mr. SKEEN, and Mr. FRENZEL.

H.J. Res. 624: Mr. FISH, Mr. RATCHFORD, and Mr. WEISS.

H.J. Res. 630: Mr. BIAGGI, Mr. CROCKETT, Mr. VANDERGRIFF, and Mr. GUARINI.

H.J. Res. 637: Mr. BONER of Tennessee, Mr. FOWLER, Mr. HAWKINS, Ms. KAPTUR, Mr. BARNARD, Mr. STENHOLM, Mr. GRAY, Mr. DERRICK, Mr. ADDABBO, Mr. ROE, Mr. HATCHER, Mr. MITCHELL, Mr. FRANK, Mr. BARNES, Mr. FUQUA, Mr. LEVIN of Michigan, Mr. LUKEN, Mr. GREEN, Mr. SAVAGE, Mr. BIAGGI, and Mr. WEISS.

H. Con. Res. 265: Mr. PETRI.

H. Con. Res. 308: Mr. BEREUTER.

H. Con. Res. 311: Mr. PATTERSON, Mr. SHUSTER, Mr. CHAPPIE, Mr. SILJANDER, Mr. DENNY SMITH, Mr. HANSEN of Utah, Mr. KASICH, and Mr. TAUZIN.

H. Con. Res. 312: Mr. FAZIO.

H. Con. Res. 322: Mr. NELSON of Florida, Mr. OWENS, and Mr. BONIOR of Michigan.

H. Con. Res. 336: Mr. ADDABBO, Mr. AKAKA, Mr. BARNES, Mr. CLAY, Mr. DELLUMS, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FRANK, Mrs. HALL of Indiana, Mr. HAWKINS, Ms. KAPTUR, Mr. LELAND, Mr. MITCHELL, Mr. MRAZEK, Mr. OWENS, Mrs. SCHROEDER, Mr. SCHUMER, Mr. STOKES, Mr. UDALL, and Mr. WEISS.

H. Con. Res. 339: Mr. HARTNETT, Mr. HUTTO, Mr. FUQUA, Mr. RICHARDSON, Mr. HOYER, Mr. ZSCHAU, Mr. STOKES, Mr. RUDD, Mr. GORE, Mr. BLILEY, Mr. TORRICELLI, Mr. KOGOVSEK, Mr. STUMP, Mr. FRANK, Mr. LAGOMARSINO, Mr. WILLIAMS of Ohio, Mr. BADHAM, Mr. GEKAS, Mr. EVANS of Iowa, Mr. MCKINNEY, and Mr. CORRADA.

H. Con. Res. 341: Mr. EDWARDS of California, Mr. GEKAS, and Ms. SNOWE.

H. Con. Res. 344: Mr. SYNAR.

H. Con. Res. 345: Mr. FRENZEL, Mr. DIXON, Mr. STARK, Mr. BEILENSON, Mr. JEFFORDS, Mr. LEHMAN of Florida, and Mr. LUNDINE.

H. Con. Res. 346: Mr. BARNARD, Mr. EVANS of Iowa, Mr. PEASE, Mr. HARKIN, Ms. KAPTUR, and Mr. OTTINGER.

H. Con. Res. 347: Mr. SMITH of Florida, Mr. DYSON, Mr. WALGREN, Mrs. BOXER, and Mr. LELAND.

H. Res. 430: Mr. AKAKA, Mr. DASCHLE, Mr. HALL of Ohio, Mr. MINISH, Mr. STARK, and Mr. THOMAS of Georgia.

H. Res. 518: Mr. DUNCAN, Mr. COATS, Mrs. SCHNEIDER, Mr. SOLOMON, Mr. O'BRIEN, Mr. STANGELAND, Mr. SKEEN, Mr. SHAW, Mr. FRANKLIN, Mr. EVANS of Iowa, Mr. ZSCHAU, Ms. FIEDLER, Mr. BILIRAKIS, Mr. HOPKINS, Mr. MCKINNEY, Mr. BADHAM, Mr. STUMP, Mr. LIVINGSTON, Mrs. JOHNSON, and Mr. PHILIP M. CRANE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1797: Mr. HARKIN.

H. Res. 518: Mr. VANDERGRIFF.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5244

By Mr. WOLPE:

(Amendment to the amendment offered by Mr. Fuqua)

—Page 3, after line 14, insert the following new paragraph:

(5) No project shall receive assistance under this title which has previously received assistance from the Energy Security Reserve.

(Amendment to the amendment offered by Mr. Fuqua)

—Page 1, amend lines 14 through 17 to read as follows:

(b)(1)(A) In assisting any project under this title, the Secretary shall make only one award and shall not award more than 50 percent of the estimate of the total costs of the project made by the Secretary at the time such award is made.

(Amendment to the amendment offered by Mr. Fuqua)

—Page 2, lines 2 through 17, amend paragraph (2) to read as follows:

(2) No project shall receive Federal assistance under this title in a total amount exceeding $300,000,000.